



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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TITLE 2. DEPARTMENT OF FINANCE

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE
DEPARTMENT OF FINANCE**

NOTICE IS HEREBY GIVEN that the Department of Finance, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department of Finance proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment includes the addition of the following positions: Staff Counsel IV, Legal Office; Assistant Program Budget Manager, Administration; Staff Finance Budget Analyst, Financial Information System for California (FI\$Cal) Project Support; the following positions are additions to the Financial Information System for California (FI\$Cal) Project: Deputy Director (all); Assistant Deputy Director (all); Staff Counsel III (Specialist); Senior and Staff Information Systems Analyst (Specialist); Vendor Management Office; Associate Information Systems Analyst, Vendor Management Office; Staff Services Manager II (Managerial), Business Services Chief; Staff Services Manager II (Managerial), Financial Operations Chief; and Associate Governmental Program Analyst, Business Services.

This amendment includes the deletion of the following positions from the Financial Information System for California (FI\$Cal) Project: Deputy Director, Administration; Deputy Director, Technology; Deputy Director, Business Team; Deputy Director, Change Management; Supervising Administrative Analyst (Accounting Systems); and Business Services Manager.

Additionally, there are other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the contact person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than June 13, 2011, or at the conclusion of the public hearing, if requested, whichever comes later, to the contact person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or person's representative requests a public hearing, he or she must do so no later than May 27, 2011, by contacting the contact person set forth below.

The Department of Finance has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the contact person set forth below.

The Department of Finance has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Finance must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Marion Springer
915 L Street, 6th Floor
(916) 445-3368 extension 3051
marion.springer@dof.ca.gov

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the “Commission”), under the authority vested in it under the Political Reform Act (the “Act”)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **June 9, 2011**, at the Los Angeles City Hall, 200 North Spring Street, City Hall Room 1010, Los Angeles, California, 90012 commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **June 7, 2011**.

BACKGROUND/OVERVIEW

Regulation 18360 currently requires that the Commission provide a notice within 14 days (“14-day notice”) to any complainant who submits a sworn complaint to the Commission with regard to an Enforcement matter. The notice must provide information as to whether or not the Commission has chosen to investigate the matter, refer the matter to another agency, take no action or will take additional time to evaluate the complaint.

The Regulation requires the subject of a sworn complaint be provided with a copy of the complaint within 3 business days of the date the complaint is received by the Commission. The Regulation also requires the Commission to provide the subject of the complaint with a copy of the 14-day notice when a complainant is provided with the 14-day notice, though does not clearly specify when this is to be done. Additionally, Regulation 18360 does not address communicating the information contained in the 14-day notice to individuals other than the complainant and the subject of the complaint, prior to the time the Commission sends the subject of the complaint a copy of the 14-day notice.

With respect to staff-initiated investigations, Regulation 18360 states that the subject of the investigation must be provided notice of the investigation at the time notice is provided to the FPPC’s Commissioners. The Regulation does not address communicating information about staff-initiated investigations to individuals,

other than the complainant and the Commissioners, prior to the time the subject of the investigation is informed of the investigation.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18360: These amendments seek to require that no member of the Commission’s staff be allowed to communicate the Commission’s decision to investigate a matter, refer a matter to another agency, take no action or take additional time to evaluate the complaint to anyone other than members of Commission staff, other governmental agencies that have an official and specific interest in the information, or those necessary for purposes of investigation of the complaint until at least five days have passed from the time the 14-day notice has been sent to the complainant and the subject of the complaint. The amendments also seek to clarify that 14-day notices must be sent to the complainant and the subject of a complaint contemporaneously. These amendments are being sought for purposes of due process and fundamental fairness to those who are subjects of Enforcement complaints.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Section 83115.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

CONTACT

Any inquiries should be made to Sukhi K. Brar, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

MULTI COUNTY: Water Employee Services Authority

AMENDMENT

STATE: California Highway Patrol

A written comment period has been established commencing on **May 6, 2011** and closing on **June 20, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **June 20, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 2. MILTON MARKS
COMMISSION ON CALIFORNIA
STATE GOVERNMENT ORGANIZATION
AND ECONOMY (LITTLE
HOOVER COMMISSION)**

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE Milton
Marks "Little Hoover" Commission on California
State Government Organization and Economy**

NOTICE IS HEREBY GIVEN that the Little Hoover Commission, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Little Hoover Commission proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment adds the position of Project Manager as a designated position with assigned disclosure category 1 and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than June 20, 2011 or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than June 6, 2011, by contacting the Contact Person set forth below.

The Little Hoover Commission has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may

be obtained by contacting the Contact Person set forth below.

The Little Hoover Commission has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed Under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Little Hoover Commission must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons that the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Stuart Drown
925 L Street, Suite 805
Sacramento, CA 95814
(916) 445-2125
littlehoover@lhc.ca.gov

**TITLE 2. PUBLIC EMPLOYEES'
RETIREMENT SYSTEM**

**NOTICE OF PROPOSED
REGULATORY ACTIONS**

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend § 599.502, subdivision (f), and to add subdivision (f) to § 599.506 to the California Code of Regulations (CCR), Title 2, entitled "Definitions, Coverage, Enrollment, Conversion, Minimum Standards, Alternative Benefit Plans,

Contributions, Contingency Reserve Fund, Contracting Agency Participation and Medicare Part B.” Various subdivisions have also been “renumbered” as a result of the amendments, with no substantive alterations.

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comments period closes at 5:00 p.m. on June 20, 2011. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via Fax at (916) 795-4607; e-mail at veronica_baca@calpers.ca.gov or mailed to the following address:

Veronica Baca, Regulations Coordinator
California Public Employees’ Retirement System
P.O. Box 942702
Sacramento, California 94229-2702
Phone: (916) 795-0713

III. PUBLIC HEARING

Pursuant to Government Code (GC) § 11346.8, a public hearing on this matter has not been scheduled. However, if an interested person or his or her duly authorized representative submits in writing to the CalPERS Regulations Coordinator a request for a public hearing no later than 15 days prior to the close of the written comment period, June 20, 2011, a public hearing shall be scheduled before the CalPERS Health Benefits Committee. Notice of the time, date, and place of the hearing will be provided to every person who has filed a request for notice with CalPERS.

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

V. AUTHORITY AND REFERENCE

The Board has general authority to take regulatory action under GC § 22772, 22794, 22796, 22800, 22806, 22807, 22830, 22832 and 22846. The Board has specific authority to amend § 599.502, subdivision (f), and

add subdivision (f) to § 599.506. Reference citation: California Government Code § 22794 and 22796.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CalPERS provides health care benefits to State and contracting agency employees, annuitants, and eligible family members under the Public Employees’ Medical and Hospital Care Act (PEMHCA) in GC § 22750 et seq. Pursuant to existing State law and regulations, CalPERS can process retroactive cancellations of coverage under various circumstances, such as when an employee reduces his or her hours or time base from full-time status. The Act and interim federal regulations prohibit CalPERS from administering rescissions due to a reduction in hours or time base, for the plan year that began January 1, 2011. The CCR §§ 599.502 and 599.506 must be amended to comply with these requirements.

The PEMHCA establishes rules, regulations and classifications for purposes of health coverage and enrollment eligibility. Under GC § 22772, the definition of “employee” specifically excludes “a person employed on an intermittent, irregular, or less than half-time basis, or an employee similarly situated.” In addition, pursuant to GC § 22794 and 22796, the Board has authority to exclude employees based on their type of employment, including short-term, seasonal, or intermittent employment. Under PEMHCA, if an employer fails through clerical error to terminate coverage of an employee who no longer meets these criteria, CalPERS is allowed to process retroactive cancellations of coverage back to the date of the permitting event and refund any excess premiums paid for a period of up to six months. Because federal law and regulations now prohibit this practice, the proposed regulations are necessary for CalPERS to be in compliance. The proposed regulations would only allow retroactive terminations of coverage to be processed for employees who reduce their hours or time base if coverage was obtained through fraud or intentional misrepresentation of material facts. In these instances, the employee or annuitant must receive a 30-day notice prior to the termination of coverage. Otherwise, a termination of coverage for a reduction in hours or time base would have to be made prospectively.

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to the California Public Employees’ Retirement Law.

VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** While the proposed regulatory action imposes requirements on local agencies and school districts that contract with CalPERS to provide health benefits, any mandate is imposed by federal law. Reference citation: Patient Protection and Affordable Care Act, Pub. L. 111–148, Interim Final Regulations at 26 CFR 54 and 602, 29 CFR 2590, 45 CFR 144, 146, and 147.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action will impact costs to State Agencies. The cost in State Fiscal Year 2010–11 is estimated at \$57,972. Annual costs thereafter are estimated at \$68,904.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action will impact costs for local agencies and school districts that contract with CalPERS to provide health benefits. The cost in State Fiscal Year 2010–11 is estimated at \$24,948. Annual costs thereafter are estimated at \$49,896.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose nondiscretionary costs or savings on local agencies that contract with CalPERS to provide health benefits.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action may impact federal funding to the State.
- F. **ADVERSE ECONOMIC IMPACT:** CalPERS has made an initial determination that the proposed regulatory actions will not have a significant statewide adverse economic impact directly affecting businesses including the ability of business in California to compete with business in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** The CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. **IMPACT ON JOBS AND BUSINESS WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no significant effect on housing costs.

J. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH GC SECTIONS 17500 THROUGH 17630:** None.

IX. CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

X. CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

Pat Sherard, HBB Legislative Coordinator
 California Public Employees' Retirement System
 P.O. Box 720724
 Sacramento, California 94229–0724
 Telephone: (916) 795–0885
 Fax: (916) 795–4680
 E-mail: pat_sherard@calpers.ca.gov

Please direct requests concerning processing of this regulatory action to Veronica Baca, Regulations Coordinator, at the address shown in Section II.

XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Veronica Baca, Regulations Coordinator, at the address shown in Section II.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' website at www.calpers.ca.gov.

XI.

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed text of the regulations after the public comment period closes.

If the Board modifies its regulatory action, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept informed as to the outcome of this regulatory action.

TITLE 5. SUPERINTENDENT OF PUBLIC INSTRUCTION

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING AWARD OF FUNDING FOR CHILD CARE AND DEVELOPMENT PROGRAMS

[Notice Published May 6, 2011]

NOTICE IS HEREBY GIVEN that the State Superintendent of Public Instruction (SSPI) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SSPI, will hold a public hearing at 1:30 p.m. on June 21, 2011, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SSPI requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Thacker, Regulations Coordinator
Administrative Support and Regulations Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on June 21, 2011. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEX

Following the public hearing and considering all timely and relevant comments received, the SSPI may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Sections 8261 and 8269, Education Code.
Reference: Sections 8261, 8406.6, 8444, 8445, 8447, 8447.5 and 8448, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code section 8261 provides that the Superintendent of Public Instruction shall adopt rules and regulations pursuant to the Child Care and Development Services Act.

These proposed changes provide an update to the glossary of terms that apply to all child development contracts. The regulations were clarified and streamlined for the application review process in an effort to

insure that Child Care and Development funding is awarded in an efficient and timely manner. It also specifies the appeals procedures to be followed in resolving disputes arising from the award of contracts.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The SSPI has made the following initial determinations:

Mandate on local agencies or school districts: None

Cost or savings to state agencies: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The SSPI is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed amendments to the regulations do not affect small businesses because the regulations apply only to school districts and not to business practices.

CONSIDERATION OF ALTERNATIVES

The SSPI must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SSPI, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The SSPI invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Denise Lobatos, Staff Services Manager I
Funding and Agency Support Unit
California Department of Education
1430 N Street, Suite 3410
Sacramento, CA 95814
Telephone: 916-323-1306
E-mail: dlobatos@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Cynthia Olsen, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SSPI has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Denise Lobatos, Staff Services

Manager I, 1430 N Street, Sacramento, CA, 95814; telephone, 916-323-1306. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 10. OFFICE OF TOURISM

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

NOTICE OF PROPOSED RULEMAKING

May 6, 2011

Notice is hereby given that the Office of Tourism proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

1. Tourism Marketing Act
Chapter 7.65, Section 5350, 5353, 5358.5-5358.10, 5357.2, and 5360
Tourism Assessment Collection Procedures

No public hearing is scheduled; however, any interested person or his or her duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

The Office proposes to amend section 5350, Definitions, section 5353, Tourism Assessment Form, section 5357.2, Payment of Assessment by Passenger Car Rental Industry and adopt new sections 5358.5-5358.10 and 5360 in Title 10 of the California Code of Regulations in order to implement, interpret and make specific Government Code sections 13995.65, 13995.69, 13995.71, 13995.72, 13995.82, and 13995.92 relating to collection of the tourism assessment from assessed businesses in California.

AUTHORITY AND REFERENCE

The proposed regulation has been adopted under the authority of Government Code sections 11152 and 13995.69 and in order to implement, interpret, and make specific Government Code sections 13995.65, 13995.69, 13995.71, 13995.72, 13995.82, and 13995.92.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code sections 13995.65-13995.77 provide for the mailing and collection of an Assessment bill to assessed businesses. The proposed regulations will

make specific the procedures for mailing the assessment bill, determining the amount due, consequences for not filing the assessment or failure to pay, and the appeal process.

Section 5350 provides definitions of terms used throughout the Tourism Marketing Act regulations. Section 5350(p)(4) is amended to correctly cite a reference to section 5353(g) to 5353(d)(2) for clarity. Section 5350(y) defines the Registration Form and this is proposed to be deleted. The form name has been changed to the Tourism Assessment Form and is proposed as new section (dd), to be in correct alphabetical order.

Section 5353 provides for the Registration Form, which is the basis of the assessment collection process. This form has not been amended since the inception of the program in the late 1990s and is proposed to be amended to be consistent with practice. The title is amended to read "Tourism Assessment Form".

Existing section 5353 also provides for the form title, form number, revision date and instructions on completion of the form. This section is amended to identify these provisions as subsection (a) and to change the title of the form to Tourism Assessment Form and the form number to CTCA 047, revised 1/2/2011. This section also states that the business must complete a separate form for each Business Location. This has been amended to add that it must be completed by the due date indicated on the form.

Existing subsection 5353(a) required the business to affix the mailing label in the space provided and to correct any incorrect information. This language is proposed to be deleted and the proposed amendment will create a new section named: "Section I. Business Location Information. The amendment will indicate that the Tourism Assessment Form will be mailed with pre-printed business information on the form and to correct any incorrect or missing information. The existing section required the Business location name and address. The amendment will also require the Tourism ID number and the contact information.

Existing subsection 5353(b) required the federal employer identification number and if it was not available it was mandatory to include the social security number of the primary owner. This section will delete provisions requiring the social security number. The amendment also corrects the acronym for federal employer identification number from FEN to FEIN.

Existing subsection 5353(c) required the business go to the listing of Industry Segments in section 5352 and to list their industry segment alphabetical code. The amended language will require the input of the industry code from section 5352, but detailed language regarding the industry categories is proposed for deletion in this section.

A new Subsection (b) will require information about the Parent Company or Information for billing purposes. The business will be required to provide the Bill Id Number, which is issued by the Office of Tourism, the name and address and contact information.

A new subsection (c) will require information on any business ownership changes, including the business name, dates business closed or change in owner.

Existing subsection (c)(2) and (3), (d) and (e) provide options on the form for a business to demonstrate they are exempt from the program. Subsection (c)(2) and (3) provides that if the business does not belong to one of the industry segments in section 5352, is a government agency or other type business as defined in 5350(i)(3) or (4), that they are exempt from the program. The exempt provisions are moved to new section (e).

Existing subsection (d) provides a travel agency, tour operator, packager or wholesaler that derives less than 20% of its revenue from travel and tourism to indicate that they are exempt from the program. This section is proposed for repeal.

Existing subsection (e) provides the business an option to pay a flat assessment rate of \$250,000, the maximum assessment amount. The business does not need to complete the rest of the form if they choose this option. This section is moved to new section(f).

New subsection (d) provides for a section on the form named: Section IV. Assessment Calculation. Existing section (f) requires the business to enter the month and year of the most recent income tax return. This section provides an example of the data required. The example has been amended in this section, to reflect a more current year. This subsection has also been reformatted as (d)(1). There are no other changes to this subsection.

Existing subsection (g) requires the business to provide the California gross receipts for the most current tax year. This section amends the references to the subsections that have been reformatted. This subsection has also been reformatted as (d)(2). There are no other changes to this subsection.

Existing subsection (h) provided an option to subtract exempt revenues from the California Gross Receipts. This section is proposed for deletion.

Existing subsection (i) requires the business to estimate the percentage of the California Gross Receipts that are Travel and Tourism Revenue. This subsection also explained how to show the percentage number and discussed the methods that would be used if the initial referendum passed. It also provided that if the Travel and Tourism Revenue was less than 8%, they were an exempt business. This subsection is reformatted as subsection (d)(3) and will only require that the business enter the percentage of revenue derived from Travel and Tourism Revenue. The other provisions are proposed for repeal.

Existing subsection (j) provided a calculation method to determine the dollars that were assessable in this program by referring to the subsection requesting the information. This subsection has been reformatted to (d)(4) and the calculation method described by name, multiplying the California Gross Receipts by the percentage of tourism number. There is no change in the information requested.

Existing subsection (k) required the business to multiply the number in the subsection above, by the assessment factor of .00045. This subsection provided that if the amount was less than \$50.00 the business was an exempt location and did not owe an assessment. This subsection has been reformatted to (d)(5) and assessment factor is amended to .00065. The exempt provision for a business owing less than \$50.00 is proposed for repeal.

New subsection (e) provides for a section on the form named: Section V. Determination of Exempt Status. This section provides the criteria for an exempt business: A business that derives no revenue from any industry segment identified in section 5352; A business that is a public body or governmental agency, a business that is a travel agency, tour operator, packager or wholesaler that derives less than 20% of its revenue from travel and tourism, the business has total gross receipts of less than \$1,000,000 in the given tax year, the business percentage of revenue derived from tourism is less than 1%.

New subsection (f) provides for a section on the form named: Section VI. Optional Payment of Maximum Assessment. The provisions in this subsection are moved from existing subsection (e) and allow the business to pay an optional maximum assessment of \$250,000.

Existing subsection (l) requires the name, title and phone number of the authorized representative to whom the Office was to mail the referendum. This section is proposed for repeal.

Existing subsection (m) provides the business an opportunity to name another party to mail the referendum. This section is proposed for repeal.

Existing subsection (n) requires a signature under the penalty of perjury and required the name and title of the authorized representative. This section is reformatted as subsection (g).

A new subsection (g) provides for a new section on the form named: Section VII. Certification. This subsection shall require a signature under the penalty of perjury and require the name and title of the authorized representative. This section changes the perjury statement to be consistent with current legal practice.

A new Subchapter is proposed to be added to the Tourism Marketing Act. This Subchapter shall provide for a collection process and enforcement of the collections.

Section 5358.5 defines the Assessment Bill. The Assessment Bill is the document that states the amount of the assessment due. This section provides that the completed Tourism Assessment Form is the Assessment Bill and further defines how a partially completed Tourism Assessment Form is reviewed and processed. Subsection (b) provides that a Tourism Assessment Form partially completed by the Business Location, but containing sufficient information to compute the amount of assessment shall be computed by the Office and the Office shall issue an Assessment Bill. Subsection (b)(1) provides that the Assessment Bill shall state the amount of assessment owed by the Business Location and the date due for the payment of such assessment. Subsection (b)(1) provides that the Assessment Bill issued by the Office shall be mailed to the Business Location at the current address on file with the Office.

Section 5358.6 provides the procedures for notifying a Business that they failed to provide the information required. Subsection (a) provides that the Office shall notify a Business Location of failure to provide information. Subsection (b) provides that any Business Location that fails to submit the required information 30 calendar days after the date of the notice of failure to submit the Tourism Assessment Form shall be assessed at the upper assessment level of its Industry Segment. This section provides that the upper assessment level for the industry segment shall be determined by the highest assessment paid by a Business Location in each industry segment. It also provides that the retail and restaurant industry segment shall be two separate upper assessment levels, one for the retail industry and one for the restaurant industry. Subsection (c) provides that the Office shall mail to the Business Location a Notice of Assessment Determination and that it will include: An explanation of the reasons and circumstances for the notice; An Assessment Determination reflecting the amount of assessment owed based on the upper assessment level of its industry segment; A statement declaring the notice to be an Assessment Bill and providing payment instructions to the Business Location including a due date for the payment of the assessment owed; and an explanation of the right to file an Appeal. This section also provides that the Assessment Determination becomes final and effective unless an Appeal has been filed within 30 calendar days.

Section 5358.7 provides a Business with an appeal process to a Tourism Assessment Form, Assessment Bill, or an Assessment Determination. This section provides that a business may appeal if they assert that the Business Location does not meet the definition of an Assessed Business within its industry segment or if the level of assessment is incorrect. This section requires that the Appeal be submitted in writing no later than 30 days after the due date of the Tourism Assessment

Form, or the date of the Assessment Bill or Assessment Determination. It must be completed under the penalty of perjury in a form of a declaration or an affidavit and the assertions must be supported with substantial evidence. This section provides that the Appeal will be granted or denied by the Office within 30 calendar days and it shall be in writing. This section also provides that if the appeal is denied, the Business Location shall be sent a Revised Assessment Bill and shall be considered an Assessed Business.

Section 5358.8 provides for a notice of a late Assessment Bill which is named a Deficiency Determination. The Deficiency Determination will provide the business with the amount due and penalties due. The amount established by a Deficiency Determination may also include the actual dollar amount to defray the cost of enforcing the collection. The Office shall mail to the Assessed Business a Notice of Proposed Deficiency Determination at the current address for the business on file with the Office and it shall include: An explanation of the reasoning and circumstances triggering the notice; the principal amount of assessment owed and delinquent, a determination of cost based on the actual cost incurred in the enforcement of the collection; the amount or rate of the penalty to be assessed commencing 30 days after the notice has been given to the Business. The Notice shall also include payment instruction and a notification of their right to file a Petition for Review. The Deficiency Determination shall become final unless a Petition for Review has been filed within 30 calendar days.

Section 5358.9 provides the Business a process for appealing the Deficiency Determination. A Business shall be allowed to file a Petition for Review requesting a review of the determination of deficiency. The petition is required to be in writing and state the specific grounds upon which it is based, and be supported by records applicable and declarations or affidavits under the penalty of perjury. The petition is required to be filed with the Office no later than 30 calendar days after the service of the Notice of Proposed Deficiency Determination.

The Office is allowed to grant an administrative hearing to provide the Assessed Business an opportunity to personally appear and present its request for Review. This section provides that the Petition after review or administrative hearing will be granted or denied by the Office in writing no later than 30 calendar days of the date of the Petition, by issuing an Order of Review. The Notice will advise the Business on the assessment owed and a Revised Assessment Bill shall be issued. The Order of Review shall become final and effective 30 calendar days after completion of service.

Section 5359.10 provides that the Deficiency Determination can be taken to court for collection and judi-

cial enforcement as provided in the statute. This section provides that initiation of such civil action shall be in the sole discretionary decision of the Secretary or in the discretionary decision of the Deputy Secretary of Tourism in consultation with the Executive Committee of the California Travel and Tourism Commission.

Section 5360 provides for the collection of the Passenger Car Rental Industry Assessment procedures. This section specifies that the Passenger Car Rental Industry Assessment shall be paid in accordance with the provisions in section 5357.2. It also provides that if payment is not received in the Office by the 25th of any given month, it shall be considered deficient and subject to the provisions of sections 5358.6 through 5358.10. This section also clarifies that a Passenger Car Rental Assessment Form submitted by the 25th of the month, but without payment, shall be considered deficient and shall be subject to the provisions of sections 5358.6 through 5358.10.

Existing Section 5357.2 provides that the Passenger Car Rental Industry assessment is payable monthly. It also provides that all assessments collected by a car rental company for a given month shall be submitted to the Office within 25 days of each month end beginning February 25, 2007. This section provides for the Passenger Car Rental Industry Segment Assessment Form, and requires its submittal monthly with the remittance of the assessment calculated. Subsection (c) provides that if the Passenger Car Rental Industry Assessment is late, they shall be assessed a late penalty. This subsection regarding late penalty is proposed for repeal.

COST ESTIMATES OF PROPOSED ACTION

The Office has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

- Potential cost impact on representative person or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None.

EFFECT ON SMALL BUSINESS

The Office has determined that the proposed regulations will not directly affect small business because small businesses are exempt from the tourism assessment program. However, small business will be required to complete the Tourism Assessment Form as described in these regulations to establish the small business exemption.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESS

Adoption of these regulations will not facilitate the creation or elimination of jobs within California. The adoption of these regulations will not affect the creation or elimination of businesses within California or the expansion of businesses currently doing business within California.

REASONABLE ALTERNATIVES CONSIDERED

The Office must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the Office would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. This proposed regulation will implement specific statute requirements.

BUSINESS REPORTING REQUIREMENT

The Office finds that it is necessary for the health, safety, or welfare of the people of this state that the proposed regulation, which requires a report, apply to businesses.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory actions to the Office. Written comments will be accepted by the Office until 5:00 p.m. on June 27, 2011. Submit comments to:

Terri Toohey
Business, Transportation and Housing Agency
980 Ninth Street, Suite 2450
Sacramento, CA 95814
terri.toohey@bth.ca.gov

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Name: Terri Toohey
Email: terri.toohey@bth.ca.gov
Phone: 916-323-5400

The backup contact person for these inquiries is:

Name: Cris McLucas
Email: cmclucas@tourism.ca.gov

Questions on the substance of the proposed regulations may be directed to:

Name: Gabor Morocz
Email: gabor.morocz@bth.ca.gov

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the Office may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the Office regarding this proposal, the Office may determine that changes to the proposed regulation are appropriate. If the Office makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Office adopts the regulations as revised. The Office will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held), and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Terri Toohey at the above email address. The Office will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED REGULATIONS

The Office has established a rulemaking file for this regulatory action, which contains those items required

by law. The file is available for inspection at the Business, Transportation and Housing Agency, 980 Ninth Street, Suite 2450, California during normal business working hours (9 a.m.–5 p.m.). Please contact Terri Toohey at the above email address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Office Contact Person designated in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Office is required to prepare a Final Statement of Reasons. Once the Office has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Office Contact Person identified in this Notice.

OFFICE INTERNET WEBSITE

The Office maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at:
www.tourism.visitcalifornia.com.

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF A PARTICULATE MATTER EMISSIONS MEASUREMENT ALLOWANCE FOR CALIFORNIA'S HEAVY-DUTY DIESEL IN-USE COMPLIANCE REGULATION

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to California's heavy-duty diesel engine (HDDE) test procedures. The proposed amendments would modify the measurement allowance for the regulated particulate matter emissions during heavy-duty diesel in-use compliance testing when using portable emissions measurement systems (PEMS). The proposed amendments are identical to the modifications already adopted by the United States Environmental Protection Agency (U.S. EPA) in November 2010.

DATE: June 23, 2011
TIME: 9:00 a.m.
PLACE: California Environmental Protection
Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., June 23, 2011, and may continue at 8:30 a.m., on June 24, 2011. This item may not be considered until June 24, 2011. Please consult the agenda for the hearing, which will be available at least 10 days before June 23, 2011, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to section 1956.8, title 13, California Code of Regulations, and the following document incorporated by reference therein: “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles,” as last amended September 27, 2010.

Background: Health and Safety Code section 43104 directs ARB to adopt test procedures to ensure compliance with emission standards for new heavy-duty motor vehicles. In 2006, ARB adopted a new in-use compliance test procedure that allows for a more efficient and cost-effective test method to conduct in-use compliance testing of HDDEs. This new testing method requires manufacturers to emissions test a set number of selected heavy-duty trucks each year using PEMS. Because testing will be conducted in the field during normal day-to-day operation rather than in an environmentally controlled laboratory, ARB, U.S. EPA, and the impacted heavy-duty diesel engine manufacturers agreed to determine a “measurement allowance” for each pollutant to account for any potential difference in measurement accuracy. The Southwest Research Institute (SwRI), in San Antonio, Texas, and the University of California’s (at Riverside) Center for Environmental Research and Technology (CE-CERT) were contracted to develop PEMS measurement allowances for gaseous and particulate matter emissions. This development work was performed under the direction of a measurement allowance steering committee comprised of members from ARB, U.S. EPA and the heavy-duty diesel engine manufacturers. After a successful completion of a test program to determine gaseous measurement allowances in 2007, the gaseous measurement allowances were adopted by the Board in December 2007.

Description of Proposed Regulatory Action: Following the December 2007 Board hearing, the development work with SwRI and CE-CERT focused on developing an appropriate measurement allowance for particulate matter. This development effort was successfully completed in November 2010. Staff is proposing that the Board adopt a particulate matter measurement allowance value of 0.006 grams per brake horsepower-hour, recommended by SwRI and agreed upon by ARB staff, U.S. EPA, and the heavy-duty diesel engine manufacturers. Staff is proposing the adoption of the particulate matter measurement allowance value through amendments to section 1956.8, title 13, California Code of Regulations, and the incorporated “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles,” as last amended September 27, 2010.

Staff is also proposing other minor amendments to the above test procedures to correct an oversight in a previous rulemaking. Specifically, staff is proposing to add language to the test procedures for the exemption of armored vehicles and workover rigs from the engine shutdown system requirements. In December of 2008, the Board adopted these exemptions in the modification made to section 1956.8, title 13, California Code of Regulations. However, these changes were not included in the incorporated test procedures. The proposed action would rectify this oversight.

COMPARABLE FEDERAL REGULATIONS

Staff is proposing an amendment to adopt a new particulate matter measurement allowance to be used when conducting heavy-duty diesel in-use compliance testing using PEMS. U.S. EPA has already adopted the proposed particulate matter measurement allowance in November 2010, for its identical heavy-duty in-use compliance testing program (revisions to In-Use Testing for Heavy-Duty Diesel Engines and Vehicles; Emissions Measurement and Implementation; Not-to-Exceed Emission Standards; and Technical Amendments for Off-Highway engines; Direct Final Rule. 40 CFR Parts 86, 1033, 1039, 1042, 1045, 1054, and 1065. November 8, 2010).

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the environmental and economic impacts of the proposal. The report is entitled: “Staff Report: Initial Statement of Reasons for the Proposed Rulemaking — Public Hearing to Consid-

er the Adoption of a Particulate Matter Emissions Measurement Allowance for California's Heavy-Duty Diesel In-Use Compliance Regulation."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on May 5, 2011.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons: Mr. Stephan Lemieux, Manager, On-Road Heavy-Duty Diesel Section, at (626) 450-6162, or Mr. Dipak Bishnu, Air Resources Engineer, On-Road Heavy-Duty Diesel Section, at (626) 575-6696.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, (916) 322-4011, or Ms. Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at www.arb.ca.gov/regact/2011/hdiuc11/hdiuc11.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies, private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or

other nondiscretionary cost or savings to state or local agencies. The proposed amendments do not affect State or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons and businesses. The ARB is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. The proposed amendments would not have economic impacts on the manufacturers of HDDEs as U.S. EPA has already adopted the proposed measurement allowance for particulate matter.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. The amendments would apply to all manufacturers of HDDEs and make California requirements consistent with federal law. None of the manufacturers of HDDEs are located in California.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A more detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, California Code of Regulations, section 4, that the proposed regulatory action would not affect small businesses. There will be no incremental costs associated with staff's proposal in addition to those already needed to comply with the federal regulation.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on May 9, 2011. To be considered by the Board, written comments, not physically submitted at the meeting, must be submitted on or after May 9, 2011 and received **no later than 12:00 noon, June 22, 2011**, and must be addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California
95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

New Feature

You can now sign up online in advance to speak at the Board meeting when you submit an electronic board item comment. For more information go to: <http://www.arb.ca.gov/board/online-signup.htm>.

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code sections 39600, 39601, 43013, 43018, 43100, 43101, 43104, 43105, and 43806; and Vehicle Code section 28114. This action is proposed to implement, interpret and make specific Health and Safety Code sections 39002, 39003,

39500, 43000, 43013, 43018, 43100, 43101, 43102, 43104, 43106, 43202, 43204, 43206, 43210, 43211, 43212, 43213, and 43806; and Vehicle Code section 28114.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format (i.e., Braille, large print, etc.) or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alterno (por decir, sistema Braille, o en impresión grande) u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del

Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

TITLE 13. CALIFORNIA HIGHWAY PATROL

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE CALIFORNIA HIGHWAY PATROL (CHP-R-09-16)

NOTICE IS HEREBY GIVEN that pursuant to the authority vested in it by Section 87306 of the Government Code, the California Highway Patrol (the Department) proposes amendment to its Conflict of Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300, 87301, 87302, and Section 87306 of the Government Code.

The Department proposes to amend its Conflict of Interest Code to include employee positions that involve the making or participation in the making, and to exclude employee positions that no longer make or participate in the making, of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

The Appendix to Section 1800, Title 13, California Code of Regulations, lists the positions subject to reporting requirements of the Department's Conflict of Interest Code and defines the disclosure categories. This amendment replaces the Appendix with Appendix A and Appendix B as follows:

1. Appendix A lists designated positions, formatted to coincide with the Department's organization chart; in most cases, specific position titles are used in each respective office/Division. Disclosure categories have been assigned in accordance with Appendix B for each of the designated positions based on the level of decision-making authority or participation in decision-making.
2. Appendix B lists the disclosure categories developed using the "Model" approved by the Fair Political Practices Commission.

Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no

later than June 20, 2011, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 15 days prior to the close of the written comment period by contacting the Contact Person set forth below. If a public hearing is requested, it will be held prior to the close of the written comment period, or as soon thereafter as is practicable, at 601 N. 7th Street in Sacramento.

The Department has prepared a written explanation of the reasons for the proposed amendments (Initial Statement of Reasons) and has available the information on which the amendments are based. Copies of the proposed amendments, the Initial Statements of Reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department must determine that no alternative it considered would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective as and less burdensome to affected persons than the proposed amendments.

Contact Person: All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Jonathan S. Rothman, Esq.
Administrative Advisor to Executive Management
Commissioner's Office
California Highway Patrol
P. O. Box 942898
Sacramento, CA 94298-0001
Telephone: (916) 843-3050
Fax: (916) 322-3219
Email: jrothman@chp.ca.gov

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to adopt Sections 345.31, 345.32, 345.33, 345.34, 345.36 and 345.42, amend Sections 345.02, 345.04, 345.05, 345.06, 345.07, 345.11, 345.13, 345.15, 345.16, 345.18, 345.20, 345.22, 345.23, 345.24, 345.27, 345.28, 345.29, 345.30, 345.40 and 345.41 and repeal Sections 345.17, 345.21, 345.25 and 345.26 in Article 4.7, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Schools for Traffic Violators.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **JUNE 20, 2011**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Section 1651 of the Vehicle Code in order to implement, interpret, or make specific Sections 1808.7, 11200, 11202.5, 11204, 11206, 11208, 42005 and 42231 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 11200 requires the department to license traffic violator schools (TVS). In addition, Vehicle Code section 11219 authorizes the department

to prescribe rules and regulations for TVS regarding the conduct of courses including curriculum, facilities and equipment.

Historically, the department has exercised oversight of TVS programs operating in classroom settings; however, no authority existed to oversee home study or on-line TVS programs. Assembly Bill (AB) 2499 (Chapter 599; Statutes of 2010) placed home study and online TVS programs under the authority of the department. AB 2499 allows the department to provide operator training requirements, curriculum requirements, prescribe application forms, as well as establish guidelines for those TVS programs not under department purview prior to the bills passage. This action implements application and curriculum standards.

This proposed action amends Article 4.7 in areas relating to the application process for TVS owners, operators and instructors, updates several application forms related to TVS licensure and business locations and implements continuing professional education requirements.

This action codifies amendments to Vehicle Code section 11202 which provides licensing requirements for TVS owners and authorizes the department to establish standards for each instructional modality. This action amends current TVS curriculum by placing additional requirements on classroom programs by requiring the use of audio or visual aids in the class and requiring student participation. Additional curriculum standards are also adopted for home study and internet based TVS programs including technical standards to ensure a student's privacy is maintained when he or she exits the program and ensure the program integrity by prohibiting unauthorized users to access the program. This action is also adopting several forms related to classroom standards and forms related to quarterly reports, as required by AB 2499.

The recommended changes to the course content came about through Assembly Bill 758 (Chapter 369; Statutes of 2007), which required the department to develop a report to the legislature recommending the necessary changes and related concerns of granting such broad authority. These curriculum changes were proposed by the task force gathered for this AB 758 report. Additional areas such as driver distractions, aggressive driving, and road rage have been added to the curriculum.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- Corporate Officers and/or Director Change, form OL 15 (Rev. 2/2011), in Section 345.18

- Traffic Violator School Classroom Lease or Rental Agreement, form OL 144 (Rev. 12/10), in Section 345.15
- Traffic Violator School Public School Instructor Certification/Deletion, form OL 609 (Rev. 4/2007), in Section 345.29
- Outline Of Required Topics and Standards for State of California, Department of Motor Vehicles Approved Traffic Violator School Course, form OL 613 (Rev. 2/2011), in Section 345.30
- Application for Traffic Violator School Operator and Instructor License, form OL 710 (Rev. 2/2011), in Section 345.02
- Application for Modification to a Traffic Violator School Operator and Instructor License, form OL 711 (Rev. 2/2011), in Section 345.02
- Traffic Violator School Branch Business Office/Classroom Application, form OL 712 (Rev. 2/2011), in Section 345.02
- Application for Traffic Violator School (TVS) Owner License, form OL 713 (Rev. 3/2011), in Section 345.02
- Application for Modification to a Traffic Violator School License, form OL 736 (Rev. 2/2011), in Section 345.18
- Renewal of a Traffic Violator School Instructor License, form OL 740 (Rev. 12/10), in Section 345.23
- Application for Traffic Violator School Administrator Change, form OL 757 (Rev. 12/10), in Section 345.28
- Request for Approval of a TVS Educational Program, form OL 764 (NEW 1/2011), in Section 345.32
- Request for Verification for Use of an Approved TVS–Program, form OL– 76–6 (NEW 1/2011), in Section 345.32
- Traffic Violator School Course Evaluation, form OL 767 (NEW 9/2011), in Section 345.30.
- Traffic Violator School Quarterly Report, form OL 850 (Rev. 2/2011), in Section 345.30
- Official Classroom Location Schedule, form OL 854 (Rev. 9/2011), in Section 345.40
- Notification of Class Schedules, form OL 854E (Rev. 9/2011), in Section 345.40

These documents are not published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, these documents are readily available to interested parties by contacting the department representative identified below.

FISCAL IMPACT STATEMENT

- Cost or Savings to Any State Agency: None.
- Other Non–Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This action establishes application requirements for licensees and course curriculum standards for a traffic violator school program. This action specifies that fees are to be paid at the time an application is submitted, however, this action does not implement fees.
- Effects on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. This proposal implements application requirements for traffic violator school owners, operators and instructors and provides course curriculum requirements for classroom, home study and internet based programs.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre–notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Coordinator
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820
Telephone: (916) 657-6469
Facsimile: (916) 657-1204
E-mail: LRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Cathy Sowell, Chief of Staff
Telephone: (916) 657-7970

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed action using underline to indicate additions, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the pro-

posed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLES 13/17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE REGULATIONS FOR FUEL SULFUR AND OTHER OPERATIONAL REQUIREMENTS FOR OCEAN-GOING VESSELS WITHIN CALIFORNIA WATERS AND 24 NAUTICAL MILES OF THE CALIFORNIA BASELINE

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the Regulations for Fuel Sulfur and Other Operational Requirements for Ocean-Going Vessels Within California Waters and 24 Nautical Miles of the California Baseline (section 2299.2, title 13, California Code of Regulations (CCR) and section 93118.2, title 17, CCR).

DATE: June 23, 2011

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., June 23, 2011, and may continue at 8:30 a.m., on June 24, 2011. This item may not be considered until June 24, 2011. Please consult the agenda for the hearing, which will be available at least 10 days before June 23, 2011, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to section 2299.2, title 13, CCR and title 17, CCR section 93118.2,

the Regulations for Fuel Sulfur and Other Operational Requirements for Ocean-Going Vessels Within California Waters and 24 Nautical Miles of the California Baseline (OGV Clean Fuel Regulation or regulation). The following documents would be incorporated in the regulations by reference: (1) International Standard ISO 8217, "Specification of Marine Fuels Requirements for Marine Residual Fuels," (as revised June 15, 2010); and (2) the National Oceanic and Atmospheric Administration (NOAA) Chart 18740, San Diego to Santa Rosa Island (March 2007).

Background:

The ARB adopted the OGV Clean Fuel Regulation in 2008. This regulation is one of many steps being taken to reduce emissions from goods movement activities. It also fulfills a key measure in meeting the goals of California's State Implementation Plan.

The OGV Clean Fuel Regulation requires operators of ocean-going vessels (OGVs) to use less polluting marine distillate fuels instead of heavy fuel oil in their diesel engines and auxiliary boilers while operating within approximately 24 nautical miles (nm) of the California coastline (Regulated California Waters). The fuel requirements are implemented in two phases. The Phase 1 fuel requirements, which began implementation on July 1, 2009, require the use of either marine gas oil (MGO) or marine diesel oil (MDO). Under the Phase 1 requirements, the MGO has a maximum sulfur limit of 1.5 percent (%), and the MDO has a maximum sulfur limit of 0.5%. The Phase 2 requirements, which are scheduled to begin on January 1, 2012, specify the use of either MGO or MDO at 0.1% sulfur.

The use of the marine distillate fuels instead of the heavy fuel oil typically used by OGV significantly reduces emissions of diesel particulate matter (PM), PM, sulfur oxides (SOx), oxides of nitrogen (NOx), and "secondarily" formed PM (PM formed in the atmosphere from NOx and SOx).

Prior to the implementation of the OGV Clean Fuel Regulation, the majority of OGVs going into and out of the Ports of Los Angeles and Long Beach traveled along the California coastline through the Santa Barbara Channel. In the Santa Barbara Channel, there is a traffic separation scheme established by the Commandant of the United States Coast Guard under the Ports and Waterways Safety Act and in accordance with international agreements. However, soon after the effective date of the OGV Clean Fuel Regulation, a large number of OGV operators chose to move from the traditional route through the Santa Barbara Channel, which lies within the zone covered by the OGV Clean Fuel Regulation, to a route on the Southern side of the Channel Islands, an area outside of the regulated zone. Because vessels on the Southern side of the Channel Islands do not have to use the cleaner marine distillate fuels required by the

OGV Fuel Regulation, this change in routes has reduced the expected emissions reductions from the regulation. In addition, because this route on the Southern side of the Channel Islands goes through the United States Navy's (U.S. Navy) Point Mugu Sea Range, the U.S. Navy has raised concerns regarding the increased potential for vessels to interfere with military operations in the Point Mugu Sea Range.

ARB staff is proposing amendments to the OGV Clean Fuel Regulation. The purpose of the amendments is to adjust the offshore regulatory boundary in Southern California to lessen the potential for vessels to interfere with operations at the U.S. Navy's Point Mugu Sea Range and to recapture lost emission reductions. In addition, amendments are proposed to help facilitate a successful transition to very low sulfur fuels by aligning implementation dates more closely with recently approved federal requirements. ARB staff is also taking this opportunity to propose other minor amendments. The proposed amendments are summarized below.

DESCRIPTION OF THE PROPOSED REGULATORY ACTION

ARB staff is proposing the following amendments to the OGV Clean Fuel Regulation. A more detailed description can be found in the Initial Statement of Reasons for Rulemaking at <http://www.arb.ca.gov/ports/marinevess/ogv.htm>.

Regulated California Waters: ARB staff is proposing to amend the regulatory boundary, by extending it further off shore by aligning it more closely in Southern California with the "Contiguous Zone," which is 24 nm from the California Baseline (shoreline), which includes offshore islands. In addition, we are proposing to exempt vessels from the Clean Fuel requirements when transiting a small "window" within the 24 nm boundary off Point Conception. This exemption window is being provided to encourage vessels to travel in the established shipping lanes in the Santa Barbara Channel when headed to or from the Ports of Los Angeles and Long Beach. These proposed changes in the boundary will lessen the economic incentive for OGVs to transit through the Point Mugu Sea Range instead of the Santa Barbara Channel and will help recapture lost emission reductions. No changes are being proposed to the Regulated California Waters in Northern California.

Phase 2 Implementation Date: The original regulation requires the use of Phase 2 0.1% sulfur distillate fuel beginning January 1, 2012. We are proposing to extend the deadline to use the Phase 2 fuel by two years to January 1, 2014. ARB staff believes this two-year delay will help facilitate a more successful transition to the 0.1% sulfur distillate fuels by more closely aligning California requirements with recently adopted federal

requirements and providing OGV operators with more flexibility to acquire compliant fuels.

Noncompliance Fee Provision: ARB staff is proposing minor modifications to the “Noncompliance Fee Provision,” which in certain specified situations allows the payment of fees in lieu of direct compliance with the rule through the use of cleaner fuels. This provision has been used five times since the OGV Clean Fuel Regulation began implementation. The proposed amendments are based on experience gained through implementation of the regulation to date, and focus primarily on the way fees are assessed. The proposed amendments include adjusting the fee schedule specified in the regulation, reducing the fees by half for vessel operators that purchase and use complying fuels after making a non-compliant port visit, and proposing that offshore anchorages made in conjunction with a port visit not be counted as a “port visit.” We believe these changes will help to incentivize the use of the cleaner fuels as quickly as possible.

Other Proposed Amendments: ARB staff is proposing to amend the regulation to include a March 2007 update to the National Oceanic and Atmospheric Administration (NOAA) nautical chart 18740 covering California’s coastline from San Diego to Santa Rosa Island. These charts are used to help define California Regulated Waters. In addition, ARB staff is proposing to amend the definitions of the fuels required under the OGV Clean Fuel Regulation to reflect recent changes in how these fuels are specified under international standards.

COMPARABLE FEDERAL REGULATIONS

On March 26, 2010, the International Maritime Organization designated waters off North American coasts as an Emission Control Area (ECA), referred to as the North American ECA. The proposal for an ECA was introduced by the United States and Canada. In addition to establishing stringent engine exhaust standards that begin in 2016, the North American ECA requires the use of fuels with progressively lower sulfur levels. Under the approved North American ECA, which will be enforced by the federal government, OGVs traveling within a 200 nm zone off the North American coasts are required to use fuels with sulfur levels of 1% or less beginning in August 2012 and 0.1% sulfur in 2015. Until 2015, the ARB OGV Clean Fuel Regulation is more stringent than the North American ECA and is necessary to protect air quality and public health in California. However, the OGV Clean Fuel Regulation does include a “sunset” provision under which the requirements would cease to apply if it is determined by the Executive Officer that the United States Environmental

Protection Agency adopts and enforces regulations that will achieve equivalent or greater emission reductions. This is expected to occur in 2015.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: *Proposed Amendments To The Regulation For Fuel Sulfur And Other Operational Requirements For Ocean-Going Vessels Within California Waters And 24 Nautical Miles Of The California Baseline.*

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB’s website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322–2990, on Thursday, May 5, 2011.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB’s website listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Peggy Taricco, Manager of the Technical Analysis Section, at (916) 323–4882, or Bonnie Soriano, Air Resources Engineer, at (916) 327–6888.

Further, the agency representative and designated back-up contact persons, to whom nonsubstantive inquiries concerning the proposed administrative action may be directed, are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, (916) 322–4011, or Ms. Amy Whiting, Regulations Coordinator, (916) 322–6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB’s website for this rulemaking at www.arb.ca.gov/regact/2011/ogv2011/ogv2011.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board’s Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed amendments are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, except as discussed below, or other nondiscretionary savings to State or local agencies.

The estimated total costs associated with the proposed amendments are approximately \$10 million annually in the years 2012 and 2013, and \$47 million in 2014. These estimated annual costs represent the additional costs associated with the proposed amendments over and above compliance with the current regulation wherein the majority of vessels that historically transited through the Santa Barbara Channel are now transiting outside the regulatory zone. In other words, vessel operators will now incur the costs associated with using the more expensive cleaner marine distillate fuels that were originally attributed to the OGV Clean Fuel Regulation and that were avoided by transiting outside the existing regulatory zone in Southern California. In addition, the costs also reflect cost savings associated with the two-year delay of the Phase 2 requirements.

We estimate the overall total 2011 present value cost of the proposed amendments to be approximately \$59 million for the years 2012–2014, assuming the total annual costs mentioned above. The added cost to a typical ship operator is estimated to be about \$20,000 in years 2012 and 2013, and about \$90,000 in 2014. We expect these added costs can be absorbed by typical affected businesses without a significant adverse impact. The cost-effectiveness of the proposed amendments is estimated to be about \$32,000 per ton or \$16 per pound of diesel PM reduced (attributing all regulatory costs to diesel PM reductions). This compares favorably to other diesel PM regulations the Board has adopted previously, as well as to the original regulation.

The Executive Officer has determined that, because the added costs of the proposed regulatory actions are a small percentage of the overall operating costs, no significant impact on ship operators, businesses that import or export goods, California port competitiveness, or on individuals purchasing such goods is expected, even if all these costs were passed on to the consumer.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. A number of businesses are integrally linked to the goods that travel

through California ports. However, we do not believe that the added costs of the proposed regulatory action will result in vessel operators choosing alternative ports outside California.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined that, pursuant to title 1, CCR, section 4, the proposed regulatory action will have no impact on small businesses because we do not believe that the ship operators subject to this proposal would qualify as small businesses due to the large capital and operating costs associated with vessel operation.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the proposed regulatory action will have no impact with regard to reporting requirements since no changes are proposed to the existing reporting provisions of the regulation.

In accordance with H&SC sections 43013(a) and (b), the Executive Officer has determined that the standards and other requirements in the proposed amendments are necessary, cost-effective, and technologically feasible for auxiliary diesel and diesel-electric engines, main engines, and auxiliary boilers operated on ocean-going vessels within the regulated California waters.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on May 9, 2011. To be considered by the Board, written comments, not physically submitted at the meeting, must be submitted on or after May 9, 2011 and received **no later than 12:00 noon on June 22, 2011**, and must be addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

New Feature

You can now sign up online in advance to speak at the Board meeting when you submit an electronic board item comment. For more information go to: <http://www.arb.ca.gov/board/online-signup.htm>.

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted in Health and Safety Code sections 39600, 39601, 41510, 41511, 43013, and 43018; and Western Oil and Gas Ass'n v. Orange County Air Pollution Control District, 14 Cal.3rd 411, 121 Cal.Rptr. 249 (1975). This action is proposed to implement, interpret, and make specific sections 39000, 39001, 39002, 39003, 39500, 39515, 39516, 41510, 41511, 43013, 43016, and 43018; and Western Oil and Gas Ass'n v. Orange County Air Pollution Control District, 14 Cal.3rd 411, 121 Cal.Rptr. 249 (1975).

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act,

Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format (i.e., Braille, large print, etc.) or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia
- Documentos disponibles en un formato alternativo (por decir, sistema Braille, o en impresión grande) u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF EMERGENCY REGULATIONS

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the emergency rulemaking authority granted by PC Section 5058.3, in order to implement, interpret and make specific PC Section 5054, proposes to adopt Sections 3769, 3769.1, 3769.2, 3769.3, 3769.4, 3769.5, and 3769.6, in the California Code of Regulations (CCR), Title 15 concerning the parolee Re-entry Court Program.

PUBLIC HEARING

Date and Time: June 28, 2011 — 10:00 a.m. to 11:00 a.m.

Place: Department of Corrections and Rehabilitation
Kern Room
1515 S Street — North Building
Sacramento, CA 95811

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close June 28, 2011, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 445-2269**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Josh Jugum, AGPA
Regulation and Policy Management Branch
Telephone (916) 445-2228**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Mark Delfin, Parole Agent III
Telephone (916) 327-8282**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, nor a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 through 17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

**ASSESSMENTS OF EFFECTS ON JOB AND/OR
BUSINESS CREATION, ELIMINATION
OR EXPANSION**

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

**AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS**

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

**AVAILABILITY OF CHANGES TO
PROPOSED TEXT**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated)

available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to GC Section 11340.

This action provides the following:

- Implements on a statewide basis a Reentry Court Program (RCP) for parolees who have a history of substance abuse or mental illness and who violate their conditions of parole.
- Adopts Sections 3769, 3769.1, 3769.2, 3769.3, 3769.4, 3769.5 and 3769.6 in the California Code of Regulations, Title 15 concerning the parolee Reentry Court Program.
- Establishes two forms in the regulations. The CDCR Form 1420 (Rev. 08/10), Placement Acknowledgement Waiver, and the CDCR Form 1515-RCP (12/10), Reentry Court Program Special Conditions of Parole. Both forms have been incorporated by reference into the regulations and have been made available for public review.
- Specifies the services provided by the RCP to program participants and Departmental staff.
- Establishes the eligibility and exclusionary criteria for participation in the RCP.
- Makes specific the referral process for participation in the RCP.
- Defines the responsibilities of parole agents assigned to assist in the administration of the RCP.

- Establishes rules for processing parole violators and absconders.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on June 20, 2011.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office not later than 15 days before the close of the written comment period.

The Board of Pharmacy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference. Pursuant to the authority vested by Section 4005 of the Business and Professions Code, and to implement, interpret or make specific Sections 851 and 4005 of the Business and Professions Code, the Board of Pharmacy is proposing to add section 1727.2 and to amend section 1728 of Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board of Pharmacy proposes to add Section 1727.2 to Article 3 of Division 17 of Title 16 of the California Code of Regulations for the purpose of requiring an applicant for a Pharmacist Intern license to submit to the board with his or her application a sealed, original Self-Query Report from the National Practitioner Data Bank — Healthcare Integrity and Protection Data Bank (NPDB-HIPDB). Business and Professions Code section 4207 specifies that the board shall make a thorough investigation to determine whether an applicant is qualified for the license being sought. Existing

law does not require an applicant for an Intern pharmacist license to submit an original Self-Query Report from the NPDB-HIPDB; this proposal would make it a condition of licensure for an applicant for an Intern pharmacist license to submit the Self-Query Report with his or her application, as specified. The board has determined that the requirement to submit a Self-Query Report, as specified in the proposal, is necessary and pertinent to the board's investigation and will facilitate the board's investigation to determine if a Pharmacist Intern applicant has been the subject of discipline in another state prior to making a license decision to grant or deny a license. This proposal is necessary to place an applicant of the requirement to submit a Self-Query Report with his or her application.

Existing regulation in subdivision (a) of Section 1728 specifies requirements for applicants who are seeking board authorization to take the Pharmacist licensure examination. This subdivision requires the applicant to submit to the board proof related to hours of pharmacy practice experience; satisfactory proof of the applicant's graduation from a recognized school of pharmacy; fingerprints; and a signed copy of the examination security acknowledgement.

This proposed regulation would also require an applicant who is seeking board authorization to take the pharmacist licensure examination to submit to the board with his or her application a sealed, original Self-Query Report from the National Practitioner Data Bank — Healthcare Integrity and Protection Data Bank (NPDB-HIPDB). Existing law does not require an applicant seeking board authorization to take the pharmacist licensure examination to submit an original Self-Query Report from the NPDB-HIPDB; this proposal would make this a requirement and condition for such an applicant. Business and Professions Code section 4207 specifies that the board shall make a thorough investigation to determine whether an applicant is qualified for the license being sought. The board has determined that the requirement to submit a Self-Query Report, as specified in the proposal, is necessary and pertinent to the board's investigation and will facilitate the board's investigation to determine if an applicant to take the pharmacist licensure examination has been the subject of discipline in another state prior to making a decision on his or her application. This proposal is necessary to place the applicant on notice of the requirement to submit a Self-Query Report with his or her application.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies:
None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation does not affect a business; rather, it affects applicants (individuals) who are seeking licensure from the Board of Pharmacy.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have a significant impact on the creation of new or elimination of existing jobs businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action.

For an applicant applying for authorization to take the pharmacist licensure exam, the board estimates that a representative private person presently incurs approximately \$253 in reasonable compliance with the existing regulation. The board estimates that a representative private person may incur additional costs of approximately \$28 in reasonable compliance with the proposed action. The board based this estimate on the following information and/or assumptions:

Estimate of Current Costs:

Application Fee to take Exam	200.00
Fingerprint Fees	51.00
Paper, Envelope, Postage	2.00
TOTAL	\$253.00

Estimate of Additional Costs:

NPDB Self–Query	8.00
HIPDB Self–Query	8.00
Paper, Envelope, Postage	2.00
Notary Fee	10.00
TOTAL	<u>\$28.00</u>

For an applicant for licensure as an Intern Pharmacist, the board estimates that a private person presently incurs approximately \$143 in reasonable compliance with the existing regulation. The board estimates that a representative private person may incur additional costs of approximately \$28 in reasonable compliance with the proposed action. The board based this estimate on the following information and/or assumptions:

Estimate of Current Costs:

Application Fee to take Exam	90.00
Fingerprint Fees	51.00
Paper, Envelope, Postage	2.00
TOTAL	\$143.00

Estimate of Additional Costs:

NPDB Self–Query	8.00
HIPDB Self–Query	8.00
Paper, Envelope, Postage	2.00
Notary Fee	10.00
TOTAL	<u>\$28.00</u>

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation does not affect a business; rather, it affects applicants (individuals) who are seeking licensure from the Board of Pharmacy.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments in writing relevant to the above determinations at the address listed for the Contact Person.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy

at 1625 N. Market Blvd., N219, Sacramento, California 95834, or from the Board of Pharmacy's Web site <http://www.pharmacy.ca.gov>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board of Pharmacy's Web site (www.pharmacy.ca.gov).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Carolyn Klein
Address: 1625 N. Market Blvd., N219
Sacramento, CA 95834
Telephone No.: (916) 574-7913
Fax No.: (916) 574-8618
E-Mail Address: Carolyn.Klein@dca.ca.gov

The backup contact person is:

Name: Anne Sodergren
Address: 1625 N. Market Blvd., N219
Sacramento, CA 95834
Telephone No.: (916) 574-7910
Fax No.: (916) 574-8618
E-Mail Address: Anne.Sodergren@dca.ca.gov

Website Access. Materials regarding this proposal can be found at www.pharmacy.ca.gov.

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Board for Professional Engineers, Land Surveyors,
and Geologists
2535 Capitol Oaks Drive
Sacramento, CA 95833

Wednesday, June 22, 2011
10:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on June 21, 2011, or must be received by the Board immediately following the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 6716, 6799, 8710 and 8805 of the Business and Professions Code, and to implement, interpret or make specific Sections 158, 6706.3, 6710, 6732, 6795, 6799, 8801 and 8805 of said code, the Board is considering changes to Division 5, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATE OVERVIEW

An applicant for licensure as a Professional Engineer in the disciplines of Agricultural, Chemical, Control System, Electrical, Fire Protection, Industrial, Manufacturing, Mechanical, Metallurgical, Nuclear, and Petroleum must take and pass a national exam to obtain licensure. Applicants for licensure as a Civil Engineer, Structural Engineer and Land Surveyor must take both a national exam and a California state exam(s) to test for competency in the state-specific laws, and applicants for licensure as a Geotechnical Engineer and/or Traffic Engineer must take and pass only a California state exam. Dependent upon the applicant's education and experience, a national fundamentals exam must also be taken first as a first division examination to qualify for the Professional Engineering and/or Land Surveying exams.

The national exams are created and scored by the National Council of Examiners for Engineering and Surveying (NCEES) which provides the California Board, along with the boards of many other states, the national

examinations. The Board contracts with NCEES and pays NCEES directly for the use of these national exams to test for licensure competency. Use of the national exams also provides for mobility of licensure into California for individuals already licensed in other states through the use of national exams and for California licensees seeking licensure in other states.

Currently, the Board staff administers both the national examinations and the California state-specific examinations twice each year, however, some exams are held only once a year. The Board currently pays directly to NCEES all required national exam fees for licensing examinees. Effective with the October 2012 exam administration, NCEES must assume the administration of all national exams, and licensing applicants will pay the national exam fees directly to NCEES. This change will require applicants to pay NCEES a daily exam administration fee of \$100 for each national professional engineer or land surveyor examination, a daily administration fee of \$70 for each national fundamentals (in-training) examination, a \$10 national exam booklet fee and an examination grading fee. The current NCEES examination grading fees are \$45 for Fundamentals of Engineering (in-training), \$90 for Fundamentals of Land Surveying (in-training), \$155 for Professional Engineering, \$155 for Professional Land Surveyor, and \$800 for Structural Engineering. To accommodate this change in national exam payment processing, this proposal will reduce and realign the Board's required application and license fees (pursuant to B&P Code Sections 6799 and 8805), to the actual Board costs with the national examination costs excluded.

Adoption of these regulations affects several subsections of CCR 407 as follows:

1. Amend CCR Sections 407(b), (1), (2), (3), (4) to reduce from \$275 to \$110 the application fee for the authority to use the titles of "Structural Engineer," "Geotechnical Engineer," licensure as a professional engineer, and licensure as a professional land surveyor.
2. Replace the current CCR Section 407(c) with language to specify the \$110 fee for the state-specific exams (Civil Seismic Principles, Civil Engineering Surveying, Geotechnical Engineer, Land Surveying and Traffic Engineering) required for licensure;
3. Amend CCR Section 407(b)(5) to reduce from \$100 to \$40 the application fee for a certification as an Engineer-in-Training and for a certification as a Land Surveyor-in-Training;
4. Replace the current CCR Section 407(c) with 407(d) to reduce effective July 1, 2012 the biennial license renewal fee from \$125 to \$110.

5. Replace the current CCR Section 407(e) with 407(f) to reduce from \$87.50 to \$55.00 the retired license fee.

These regulations will also amend CCR Section 428(b) to revise "date of filing of an application" to "date of an application."

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Board has determined that the proposed regulatory action will have no significant statewide adverse economic impact that directly affects public and/or state agencies. The Board anticipates that any increase to public and/or state agencies for examination fees for unlicensed employees would be mitigated by the reduction in initial application fees and biennial renewal fees.

Nondiscretionary Costs/Savings to Local Agencies:

None

Local Mandate:

None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement:

None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The proposed regulations will affect individuals applying for licensure as a Professional Engineer and/or Professional Land Surveyor as well as individuals who apply for certification as an Engineer-in-Training or a Land Surveyor-in-Training as the total amount of state and national fees required to become licensed will increase. The total exam fees will reduce for individuals that apply to take the Geotechnical Engineer and the Traffic Engineer exams. The Board anticipates that the initial increase in licensing exam fees will be partially mitigated by the biennial reduction in license renewal fees.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The Board does not license businesses; the Board licenses individuals.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contracting the person named below.

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Debbie A. Thompson
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263-2269
FAX No.: (916) 263-2246
E-Mail Address: Debbie.Thompson@dca.ca.gov

The backup contact person is:

Name: Linda Brown
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263-2238
FAX No.: (916) 263-2246
E-Mail Address: Linda.Brown@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at <http://www.bpels.ca.gov>.

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE AREA DESIGNATIONS FOR STATE AMBIENT AIR QUALITY STANDARDS

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below, to consider adopting amendments to the regulations designating areas of California as attainment, nonattainment, nonattainment-transitional, or unclassified for pollutants with State ambient air quality standards set forth in section 70200 of title 17, California Code of Regulations.

DATE: June 23, 2011

TIME: 9:00 a.m.

PLACE: California Environmental Protection
Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a one-day meeting of the Board, which will commence at 9:00 a.m., June 23, 2011. This item is scheduled to be heard on the Board's Consent Calendar. All items on the consent calendar will be voted on by the Board immediately after the start of the public meeting. An item will be removed from the consent calendar at the request of a Board member or if

someone in the audience would like to speak on that item.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to title 17, California Code of Regulations (CCR), section 60201.

Background: The Board is charged with the responsibility of adopting ambient air quality standards for each air basin in consideration of the public health, safety, and welfare (Health and Safety Code (H&SC) § 39606). To date, the Board has adopted State ambient air quality standards (State Standards) for ten pollutants, set forth in CCR, title 17, section 70200. In addition, H&SC section 39607(e) requires the Board to establish designation criteria which provide the basis for designating areas of California as attainment or nonattainment with respect to the State standards. The designation criteria are set forth in CCR, title 17, sections 70300 through 70306, and appendices 1 through 3 thereof. Based on these designation criteria, H&SC section 39608 further requires ARB to establish and annually review area designations for State standards.

During the annual review, ARB determines whether changes to the existing area designations are warranted, based on an evaluation of recent air quality data.

This year's review of the area designations is based on air quality data from 2007 through 2009. The proposed amendments provide for one change for ozone, as summarized below:

- Designate the Northeast Plateau Air Basin as attainment for ozone. The Air Basin comprises three counties. Siskiyou County is currently designated as nonattainment–transitional, while Lassen and Modoc counties are currently designated as unclassified.

In addition, there are two changes for ozone that occur by operation of law. Under H&SC section 40925.5, changes for ozone between nonattainment and nonattainment–transitional or vice versa, occur by operation of law. While these changes do not require formal ARB action, ARB's designation criteria contain guidelines for confirming such changes. Therefore, staff is proposing that ARB confirm the changes below and modify the designation regulations to reflect these automatic changes.

- Confirm the change in designation for Lake Tahoe Air Basin from nonattainment to nonattainment–transitional.
- Confirm the change in designation for Glenn County in the Sacramento Valley Air Basin from nonattainment–transitional to nonattainment.

COMPARABLE FEDERAL REGULATIONS

There are no comparable federal or local regulations that address area designations for the State (California) standards.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The Staff Report is entitled: "Initial Statement of Reasons for Proposed Rulemaking: Proposed 2011 Amendments to the State Area Designations and Maps."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strike-out format to allow for comparison with the existing regulations, may be accessed on ARB's website, listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814, (916) 322–2990, on May 5, 2011.

Upon its completion, the Final Statement of Reasons (FSOR) will be available, and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website, listed below.

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons: Ms. Gayle Sweigert, Manager, Air Quality Analysis Section, (916) 322–6923, or Ms. Marcella Nystrom, Staff Air Pollution Specialist, Air Quality Analysis Section, at (916) 323–8543.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, (916) 322–4011, or Ms. Trini Balcazar, Regulations Coordinator, (916) 445–9564. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB website for this rulemaking at <http://www.arb.ca.gov/regact/2011/area11/area11.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by

public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

The proposed amendments to the area designation regulations do not contain any requirements for action. The area designations are simply labels that describe the healthfulness of the air quality in each area. Because these regulations by themselves contain no requirements for action, they have no direct economic impact, and the following general determinations are appropriate.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because the proposed regulatory action does not contain any requirements for action.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as ef-

fective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on May 9, 2011. To be considered by the Board, written comments not physically submitted at the meeting must be submitted on or after May 9, 2011, and received **no later than 12:00 noon, June 22, 2011**, and must be addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California
95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

New Feature

You can now sign up online in advance to speak at the Board meeting when you submit an electronic board item comment. For more information go to: <http://www.arb.ca.gov/board/online-signup.htm>.

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600,

39601, 39607, 39608, and 40925.5. This action is proposed to implement, interpret, and make specific Health and Safety Code, sections 39607, 39608, and 40925.5.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;
- Have documents available in an alternate format (i.e. Braille, large print, etc.) or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alterno (por decir, sistema Braille, o en impresión grande) u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del

Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

TITLE 18. BOARD OF EQUALIZATION

Notice of Proposed Regulatory Action

The State Board of Equalization Proposes to Adopt California Code of Regulations, Title 18, Section 1685.5, *Calculation of Estimated Use Tax — Use Tax Table*

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code (RTC) section 7051, proposes to adopt California Code of Regulations, title 18, section (Regulation) 1685.5, *Calculation of Estimated Use Tax — Use Tax Table*. Regulation 1685.5 prescribes the manner in which the Board "shall annually calculate the estimated amount of use tax due according to a person's adjusted gross income and by July 30 of each calendar year make available to [the] Franchise Tax Board such amounts in the form of a use tax table," as required by Revenue and Taxation Code (RTC) section 6452.1, as amended by section 1 of Senate Bill. No. (SB) 86 (Stats. 2011, ch. 14), and prescribes the use tax table for calendar year 2011.

PUBLIC HEARING

A public hearing on the adoption of the proposed regulatory action will be held in Room 207, 5901 Green Valley Circle, Culver City, at 9:30 a.m., or as soon thereafter as the matter may be heard, on June 21, 2011. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the proposed adoption of Regulation 1685.5.

AUTHORITY

RTC section 7051.

REFERENCE

RTC section 6452.1.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Prior Law

RTC section 6452.1, as enacted by Statutes 2010, chapter 721, section 2, permits taxpayers to make an irrevocable election to report “qualified use tax” on an “acceptable [income] tax return” filed with the Franchise Tax Board (FTB) in order to make it more convenient for taxpayers to comply with their use tax obligations. RTC section 6452.1, subdivision (d)(2), as enacted by Statutes 2010, chapter 721 defined the term “qualified use tax” to mean a taxpayer’s actual unpaid use tax liability after applying the state use taxes imposed under the Sales and Use Tax Law (RTC § 6001 et seq.) and section 35 of article XIII of the California Constitution, and the local and district use taxes imposed in conformity with the Bradley–Burns Uniform Local Sales and Use Tax Law (RTC § 7200 et seq.) or in accordance with the Transactions and Use Tax Law (RTC § 7251 et seq.) to the taxpayer’s purchases of tangible personal property subject to use tax.

Current Law

SB 86 was enacted on March 23, 2011. It amended RTC section 6452.1 to make it more convenient for taxpayers to comply with their use tax obligations by giving taxpayers the option to report their “estimated use tax liabilities,” based upon their adjusted gross income for income tax purposes, for one or more single nonbusiness purchases of individual items of tangible personal property each with a sales price of less than one thousand dollars (\$1000), as determined from a use tax table, instead of calculating and reporting their actual unpaid use tax liabilities (as described above). In addition, RTC section 6452.1, subdivision (d)(2)(A)(i)(II), as amended by SB 86, provides that “the Board shall annually calculate the estimated amount of use tax due according to a person’s adjusted gross income and by July 30 of each calendar year make available to [the] Franchise Tax Board such amounts in the form of a use tax table” for inclusion in the instructions to the FTB’s returns and use by eligible taxpayers.

Proposed Regulation

The Board proposes to adopt Regulation 1685.5 to prescribe the use tax table that taxpayers may use to estimate their calendar–year 2011 use taxes based upon their adjusted gross income, prescribe the manner in which the Board shall annually calculate the estimated amount of use tax due according to a person’s adjusted gross income for calendar–year 2012 and subsequent years, and prescribe the format of the use tax tables the Board must make available to the FTB each year. The objectives of the proposed regulation are to fulfill the Board’s duty to estimate the amount of use tax due ac-

cording to a person’s adjusted gross income and make the estimate available to the FTB in the form of a use tax table for calendar–year 2011 and to clearly prescribe the manner in which the Board shall estimate the amount of use tax due according to the person’s adjusted gross income and make the estimate available to the FTB in the form of a use tax table for calendar–year 2012 and subsequent years.

There are no comparable federal regulations or statutes to Regulation 1685.5.

NO MANDATE ON LOCAL AGENCIES AND
SCHOOL DISTRICTS

The Board has determined that the adoption of proposed Regulation 1685.5 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

NO COST OR SAVINGS TO STATE AGENCIES,
LOCAL AGENCIES, AND SCHOOL DISTRICTS

The Board has determined that the adoption of proposed Regulation 1685.5 will result in no direct or indirect cost or savings to any state agency, any cost to local agencies or school districts that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, other non–discretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS

The adoption of proposed Regulation 1685.5 will enable the Board to fulfill its duty to estimate the amount of use tax due according to a person’s adjusted gross income and make the estimate available to the FTB in the form of a use tax table for calendar–year 2011 and clearly prescribe the manner in which the Board shall estimate the amount of use tax due according to a person’s adjusted gross income and make the estimate available to the FTB in the form of a use tax table for calendar–year 2012 and subsequent years. The Board’s use tax tables will enable taxpayers to choose to report their estimated use tax liabilities for one or more single nonbusiness purchases of individual items of tangible personal property each with a sales price of less than one thousand dollars (\$1000), instead of calculating and reporting their actual unpaid use tax liabilities (as discussed above). And, the proposed regulation will not impose

any new taxes, it will not change any exemptions or exclusions, and it will not even require taxpayers to use the Board's use tax tables to report their use tax liabilities. Therefore, the Board has made an initial determination that the adoption of proposed Regulation 1685.5 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of proposed Regulation 1685.5 may affect small business.

NO COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF THE ASSESSMENT REQUIRED BY GOVERNMENT CODE SECTION 11346.3, SUBDIVISION (b)

The Board has determined that the adoption of proposed Regulation 1685.5 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

Adoption of proposed Regulation 1685.5 will not have a significant effect on housing costs.

DETERMINATION REGARDING ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Questions regarding the substance of the proposed regulation should be directed to Bradley M. Heller, Tax Counsel IV, by telephone at (916) 323-3091, by e-mail at Bradley.Heller@boe.ca.gov, or by mail at State Board of Equalization, Attn: Bradley M. Heller,

MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at Richard.Bennion@boe.ca.gov, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

WRITTEN COMMENT PERIOD

The written comment period ends when the public hearing begins at 9:30 a.m., or as soon thereafter as the matter may be heard, on June 21, 2011. If the Board receives written comments prior to the close of the written comment period, the statements, arguments, and/or contentions contained in those comments will be presented to and considered by the Board before the Board decides whether to adopt proposed Regulation 1685.5. The Board will only consider written comments received by that time.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an underscored version of the text of proposed Regulation 1685.5 illustrating its express terms and an initial statement of reasons for the adoption of the proposed regulation. These documents and all the information on which the proposed regulation is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation and the Initial Statement of Reasons are also available on the Board's Website at www.boe.ca.gov.

SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8

The Board may adopt proposed Regulation 1685.5 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adop-

tion. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Board adopts proposed Regulation 1685.5, the Board will prepare a Final Statement of Reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at www.boe.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or CEIR has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse

Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication May 6, 2011
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Dublin Ranch West Project
(2080-2011-012-03)
Alameda County

The Department of Fish and Game (Department) received a notice on April 22, 2011 that Martin W. Inderbitzen, Attorney at Law proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action includes construction of a residential neighborhood, park, and open space development.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (File No. 1–1–07–F–0098)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on April 27, 2007 which considered the effects of the project on the Federally endangered and State threatened California tiger salamander (*Ambystoma californiense*) and San Joaquin kit fox (*Vulpes macrotis mutica*).

Pursuant to California Fish and Game Code Section 2080.1, Martin W. Inderbitzen, Attorney at Law is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Martin W. Inderbitzen, Attorney at Law will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080–2011–009–06

Project: Santa Ana Regional Interceptor Reaches IV A–B Pipeline Repair Project
Location: Riverside and San Bernardino Counties
Applicant: Santa Ana Watershed Project Authority
Notifier: Celeste Cantu
Background:

The Santa Ana Watershed Project Authority (Applicant) proposes to repair the existing Santa Ana Regional Interceptor (SARI) pipeline in the retention basin behind the Prado Dam. Repairs would affect approximately 3.2 miles of Reach IV–A from manhole IV–A–0010 to manhole IV–A–0180 and 3.2 miles of Reach IV–B from manhole 4B–0010 to manhole 4B–0150. The Santa Ana Regional Interceptor Reaches IV A–B Pipeline Repair Project (Project) involves slip–lining, a technique that inserts a pipe liner inside an existing pipeline. Access openings will be cut in the top of the existing pipe to insert the liner at specific intervals along the pipeline. Depending on the existing pipeline’s horizontal and vertical alignments, insertion points will be placed approximately 2,000 linear feet apart. Each insertion point will require approximately 0.5 acre of disturbance to allow for construction equipment, materials staging, excavation and dewatering of insertion pits, and stockpiling. Excavation of insertion pits is required to reach the pipeline and the pits will be constantly dewatered during construction. A sediment removal system will be in place to prevent erosion or sedimenta-

tion caused by excavation or dewatering of insertion pits. Following pipeline repair, a concrete containment basin approximately 12 feet by 30 feet will be placed around the pipe. The insertion pits will be backfilled and the basins will not be exposed. The Project will extend the pipeline service life by 50 years.

Pipeline access will require removal of overgrown vegetation from the existing 10–foot wide access road and the temporary widening of the existing access road by 10 additional feet. Work related to the road requires removing up to 7.78 acres of overgrown vegetation from the existing road and up to 15.13 acres of vegetation to widen the road. In addition, risers will be installed at existing manholes buried by accumulated sediment from Prado Dam.

Project implementation requires the use of track–hoe excavators; front–end loaders; miscellaneous small trucks; fuel, concrete, and materials delivery trucks; small bulldozers; and 50–horsepower dewatering pumps. Generators will operate 24 hours a day, 7 days a week during the construction period to keep insertion pits dewatered.

The Project activities described above are expected to incidentally take¹ the least Bell’s vireo (*Vireo bellii pusillus*) where those activities take place within the Prado Dam’s inundation area. In particular, the least Bell’s vireo could be incidentally taken as a result of nest abandonment or entrapment during Project activities. The least Bell’s vireo is designated as an endangered species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (Cal. Code Regs. tit. 14 § 670.5, subd. (a)(5)(I).)

Least Bell’s vireos are documented as present within the Project site and there is occupied least Bell’s vireo habitat within and adjacent to the Project site. Because of the proximity of the nearest documented least Bell’s vireo, dispersal patterns of the least Bell’s vireo, and the presence of suitable least Bell’s vireo habitat within the Project site, the United States Fish and Wildlife Service (Service) determined that the least Bell’s vireo is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of least Bell’s vireo.

According to the Service, the Project will result in the temporary loss of 22.91 acres of least Bell’s vireo riparian habitat.

Because the Project is expected to result in take of a species designated as endangered under the federal ESA, the United States Army Corps of Engineers, Los Angeles Division (USACOE), consulted with the Service as required by the ESA. On December 14, 2010,

¹ Pursuant to Fish and Game Code section 86, “ ‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill.”

the Service issued a biological opinion (Service file No. FWS-WRIV/SB-08B0804-11F0147) (BO) to the USACOE for the Project. On January 5, 2011, the Service issued an amendment to the BO defining funding assurances (Service file No. FWS-WRIV/SB-08B0804-11TA0224). On March 16, 2011, the Service issued another amendment clarifying the funding assurances for the Project (Service file No. FWS-WRIV/SB-08B0804-11F0314) (the BO and two amendments are referred to collectively as the Amended BO). The Amended BO describes the Project, requires the Applicant to comply with terms of the Amended BO and its incidental take statement (ITS), and incorporates additional measures.

On March 24, 2011, the Director of the Department of Fish and Game (DFG) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the Amended BO and its related ITS are consistent with CESA for purposes of the Project and the least Bell's vireo. (Cal. Reg. Notice Register 2011, No. 14-Z, p. 518.)

Determination:

DFG has determined that the Amended BO, including the ITS, is consistent with CESA as to the Project and least Bell's vireo because the measures contained in the Amended BO and ITS meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, DFG finds that: (1) take of least Bell's vireo will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the Amended BO and ITS will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of the least Bell's vireo. The mitigation measures in the Amended BO and ITS include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- The Applicant will restore an approximately 10.25 acre parcel owned by USACE in the vicinity of Reach IV B manholes 4B-0100 and 4B-0110. Only 7.25 acres of this area will be considered mitigation for the Project;
- Vegetation removal will not be done between March 15 through September 15 and no ground scarification will be done to ensure vegetation growth. Of the 22.91 acres of vegetation being removed, 7.25 acres of that will be mitigated

through the restoration of the parcel of land owned by USACE;

- The Applicant will fund the installation and operation of four cowbird traps for two years;
- The Applicant will avoid working during the breeding season (March 15–September 15) to the greatest extent possible. If needed, the Applicant will keep the work to only one breeding season;
- The Applicant will retain Service-approved biological monitors knowledgeable about the least Bell's vireo biology and ecology. A biological monitor will be on site daily during vegetation clearing and will conduct weekly inspections during construction. The Applicant shall also provide a biologist (i.e. construction monitor) to help monitor construction activities and review and send project reports to DFG and the Service. The biological monitor will conduct orientation meetings for all construction personnel, including temporary contractors. The biological monitor will conduct weekly breeding season surveys for the least Bell's vireo within 500 feet of the construction footprint beginning after March 15 and continuing through September 15 or until a date that it becomes evident that the least Bell's vireo have left the survey area. The biological and construction monitors will both have the authority to halt or suspend any Project-related activities that are not in compliance with the Project Description and/or the Terms and Conditions of the Amended BO;
- The Applicant has reduced the size of the access pits and orientated them in such a way as to minimize their encroachment on least Bell's vireo habitat;
- The Applicant will have its contractor, to the greatest extent possible, stockpile materials at the access areas to reduce the frequency of vehicle traffic along the access road during the breeding season;
- The Applicant will only work before September 15 if the Service is provided with sufficient evidence that the nesting is complete at occupied sites within 500 feet of the construction area and the Service approves the request;
- The Applicant will not have a noise decibel level greater than 60dBA within 50 feet of territories of the least Bell's vireo. Noise barriers will be constructed for access areas that are within 500 feet of the least Bell's vireo territories.

Monitoring and Reporting Measures

- The Applicant will submit a restoration plan including success criteria to DFG and the Service prior to the beginning of ground disturbance associated with pipeline construction activities (i.e., following pre-construction vegetation clearing, but prior to any actual pipeline construction) for the habitat restoration site, that includes: (1) a description and map of the enhancement areas identifying non-native plants to be removed and areas anticipated to support riparian vegetation suitable for least Bell's vireo; (2) a baseline description of hydrology, plant communities (e.g., percent cover of invasive species), and least Bell's vireo in the proposed enhancement area; (3) methods of site preparation including any grading and/or planting that may be necessary; (d) a plant palette, if applicable; (e) a detailed five year monitoring and reporting program with implantation schedule; and (f) specific quantitative performance criteria for evaluating the progress of the enhancement efforts;
- Creation and restoration of riparian/riparian scrub habitat will be considered successful when the following target/threshold objectives are met: (1) a minimum of 30 percent absolute ground cover of native plant species; (2) less than 10 percent absolute ground cover of exotic plant species; (3) the absolute ground cover of native species must be represented by at least five dominant or co-dominant native plant species; (4) the recruitment of native plant seedlings must be documented to occur within the replanted areas; (5) a positive trend in the diversity and absolute ground cover of native plant species must be observed based on appropriate statistical analyses that account for natural, year-to-year variations; and (6) the structure and composition of the revegetated area is statistically similar (i.e., not significantly different) to habitat occupied by the least Bell's vireo in the vicinity. Alternatively, riparian revegetation efforts can be considered successful if the habitat is occupied by a breeding pair of least Bell's vireo;
- The Applicant will submit annual reports to DFG and the Service documenting the status of the restoration (i.e., attainment of specified performance criteria and recommended maintenance and/or remedial measures if performance criteria are not being met);

- If, after five years, performance criteria have not been met, then the Applicant will reevaluate site conditions and implement additional measures (e.g., supplemental planting of native riparian vegetation) in coordination with DFG and the Service to ensure 7.25 acres are successfully restored. The Applicant will fund the continued operation of the four cowbird traps for three additional years;
- As an alternative to restoring the 10.25 acre parcel, upon approval from DFG and the Service, the Applicant may contribute sufficient funds to the Watershed Program to remove 7.25 acres of giant reed (*Arundo donax*) and other invasive plant species from the upper Santa Ana River watershed for each acre of habitat affected by the Project.

Financial Assurances

- The Applicant will ensure adequate funding (Security) for successful completion of the habitat restoration prior to beginning any ground disturbance. The Security will be in the amount of \$244,000 and will be in the form of an irrevocable letter of credit or another form of Security approved in advance in writing by the DFG's Office of the General Counsel. The Security will be held by the DFG or in a manner approved in advance in writing by the DFG. The Security will allow the DFG to draw on the principal sum should the DFG, in its sole discretion, determine that the Applicant has failed to comply with the habitat restoration;
- The Security will be released to the Applicant after all secured requirements have been met as evidence by timely submission of all required reports, an on-site inspection by the DFG and written approval from the DFG.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of least Bell's vireo, provided the Applicant implements the Project as described in the Amended BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the Amended BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the Amended BO and ITS, the Applicant shall be required to obtain a new consistency determination or other incidental take authorization from DFG for the Project as provided by CESA. (See generally Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c).)

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)**

NOTICE TO INTERESTED PARTIES

**AMENDMENT TO SECTION 25705
SPECIFIC REGULATORY LEVELS POSING
NO SIGNIFICANT RISK:
CHLOROTHALONIL
EXTENSION OF COMMENT PERIOD**

MAY 6, 2011

On March 18, 2011, the Office of Environmental Health Hazard Assessment (OEHHA) published a notice in the *California Regulatory Notice Register* proposing to establish a specific regulatory level posing no significant risk for chlorothalonil and amending Title 27, California Code of Regulations, section 25705.

Publication of the prior notice initiated a 45-day public comment period that is scheduled to close on May 2, 2011. OEHHA has received a request from an interested party for an extension of public comment period. **OEHHA hereby extends the public comment period on this proposed amendment to 5:00 p.m., Thursday, June 2, 2011.**

We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to sluong@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Susan Luong
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street, 19th Floor
Sacramento, California 95814
Mailing Address: P.O. Box 4010, MS-19B
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 327-3015

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-0314-02

BOARD OF ACCOUNTANCY

Peer Review Provider Reporting Responsibilities

The Board of Accountancy (Board) submitted this rulemaking action to amend title 16, California Code of Regulations, section 48.3. The amended section establishes a 60-day time period that a Board-recognized peer review program provider has to submit to the Board, either in writing or electronically, a copy of any substandard peer review reports issued to California-licensed accounting firms.

Title 16

California Code of Regulations

AMEND: 48.3

Filed 04/25/2011

Effective 05/25/2011

Agency Contact:

Matthew Stanley

(916) 561-1792

File# 2011-0315-01

BUREAU OF SECURITY AND INVESTIGATIVE
SERVICES

Proprietary Private Security Officers

The Bureau of Security & Investigative Services is making several changes without regulatory effect to title 16 of the California Code of Regulations. The Proprietary Security Services Act was amended by Senate Bill 741, Chapter 361 of 2009. This resulted in a re-numbering of the Act and now several of the authority and reference citations are now incorrect. The section 100 changes correct the authority and reference citations. The changes also include correcting cross-references in the text to Business and Professions Code sections that have been repealed.

Title 16

California Code of Regulations

AMEND: 600.1, 601.5, 602, 602.1, 603, 605, 607.4,
608.3, 627, 634, 635, 645

Filed 04/25/2011

Agency Contact:

Noreene DeKoning

(916) 575-7054

File# 2011-0328-01
DEPARTMENT OF CONSERVATION
Conflict of Interest Code

The Department of Conservation is amending its conflict of interest code found at section 1670, title 14, California Code of Regulations. The Fair Political Practices Commission approved the amendment for filing on March 2, 2011.

Title 14
California Code of Regulations
AMEND: 1670
Filed 04/25/2011
Effective 05/25/2011
Agency Contact: Michael P. Krug (916) 322-1080

File# 2011-0314-04
DEPARTMENT OF CORPORATIONS
SAFE Mortgage Licensing Act

This regulatory action requires mortgage loan originators who offer and negotiate residential mortgages to be licensed and registered with the Department of Corporations. These regulations also describe the procedures and requirements for licensure and registration.

Title 10
California Code of Regulations
ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.4.5, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.122.15, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317
Filed 04/25/2011
Effective 05/25/2011
Agency Contact: Karen Fong (916) 322-3553

File# 2011-0308-02
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

This certificate of compliance makes permanent the prior emergency amendments to section 3434, subdivisions (b) and (c) (OAL file no. 2010-0923-06E) that expanded the regulated quarantine area in the counties of Alameda, Contra Costa, Monterey, San Benito, Santa Clara and Solano by approximately 56 square miles that is currently designated a quarantine area for the light

brown apple moth "LBAM" ("Epiphyas postvittana"). In addition, the quarantine area in the Ryer Island area of Sacramento County would expand by approximately six square miles and would expand in the Fairfield area of Solano County by approximately 13 square miles. The effect of the proposed amendments establish authority for the state to perform quarantine activities against the LBAM in these areas.

Title 3
California Code of Regulations
AMEND: 3434
Filed 04/20/2011
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2011-0309-03
DEPARTMENT OF PUBLIC HEALTH
Drinking Water Title 17 — Section 100

The Department of Public Health submitted this change without regulatory effect to amend section 7583 of title 17 of the California Code of Regulations. The purpose of this amendment is to update cross-references to the Health and Safety Code, which was recodified by SB 1497 (Chapter 1023, 1996).

Title 17
California Code of Regulations
AMEND: 7583
Filed 04/21/2011
Agency Contact: Linda M. Cortez (916) 440-7683

File# 2011-0309-04
DEPARTMENT OF PUBLIC HEALTH
Drinking Water Title 22 — Section 100

The Department of Public Health submitted this change without regulatory effect to amend sections 60400, 60401, 60403, 60445, 60455, 64416, 64426, 64432, 64449, 64449.2, 64575, and Appendix 64465-E of title 22 of the California Code of Regulations. The purpose of this amendment is to update cross-references to other regulatory provisions as well as the Health and Safety Code, which was recodified by SB 1360 (Chapter 415, 1995), and to correct minor spelling and punctuation errors.

Title 22
California Code of Regulations
AMEND: 60400, 60401, 60403, 60445, 60455, 64416, 64426, 64432, 64449, 64449.2, 64575, Appendix 64465-E
Filed 04/21/2011
Agency Contact: Linda M. Cortez (916) 440-7683

File# 2011-0318-01
EMPLOYMENT DEVELOPMENT DEPARTMENT
Paid Family Leave Acceptable Documentation

This rulemaking amends section 2708(c)–1 of Title 22 of the California Code of Regulations by clarifying the documentation requirements for determining eligibility for Family Temporary Disability Insurance benefits in response to claims for legal guardians taking family care leave to bond with a new child.

Title 22
California Code of Regulations
AMEND: 2708(c)–1
Filed 04/25/2011
Effective 05/25/2011
Agency Contact: Estela Gallawa (916) 654–8410

File# 2011–0408–06
FAIR POLITICAL PRACTICES COMMISSION
Campaign Filing Requirements for the February 5, 2008 Statewide Election

The Fair Political Practices Commission is repealing section 18420.5, title 2, California Code of Regulations, entitled “Campaign Filing Requirements for the February 5, 2008 Statewide Election.”

Title 2
California Code of Regulations
REPEAL: 18420.5
Filed 04/21/2011
Effective 04/21/2011
Agency Contact:
Virginia Latteri–Lopez (916) 324–3854

File# 2011–0408–08
FAIR POLITICAL PRACTICES COMMISSION
Disclosure of Lobbying Entity Identification Numbers

The Fair Political Practices Commission is amending section 18465, title 2, California Code of Regulations, entitled “Disclosure of Lobbying Entity Identification Numbers.”

Title 2
California Code of Regulations
AMEND: 18465
Filed 04/21/2011
Effective 04/21/2011
Agency Contact:
Virginia Latteri–Lopez (916) 324–3854

File# 2011–0314–01
MEDICAL BOARD OF CALIFORNIA
Abandonment of Application Files

This action amends an existing Medical Board of California regulation governing abandonment of physician licensing applications by deeming such applications abandoned if the applicant fails to fulfill specified licensing requirements within specified time periods, generally one year after filing the application.

Title 16
California Code of Regulations
AMEND: 1306
Filed 04/26/2011
Effective 05/26/2011
Agency Contact:
Kevin A. Schunke (916) 263–2368

File# 2011–0321–02
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Standard Guardrails

The Occupational Safety and Health Standards Board amended section 3209 of title 8 of the California Code of Regulations to increase the required minimum size of the structural metal in guardrails from 2 inch by 2 inch by 1/4 inch to 2 inch by 2 inch by 3/8 inch.

Title 8
California Code of Regulations
AMEND: 3209
Filed 04/26/2011
Effective 05/26/2011
Agency Contact: Marley Hart (916) 274–5721

File# 2011–0406–01
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998; General Site Development Grant

The State Allocation Board submitted this rulemaking action to reinstate the grant program for general site development costs available to school districts under the School Facility Program, which was suspended under its terms on 1/1/2011. This action reinstates the grant program to 1/1/2012 in subdivision (d) of section 1859.76 of title 2, California Code of Regulations.

Title 2
California Code of Regulations
AMEND: 1859.76
Filed 04/27/2011
Effective 04/27/2011
Agency Contact: Robert Young (916) 375–5939

File# 2011–0310–01
STATE ALLOCATION BOARD
Leroy F. Green School Facilities Act of 1998; Additional Priority Funding Rounds

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2010–1019–01E) that established the procedure the State Allocation Board must follow when providing a priority funding round for school districts with construction–ready approved but unfunded projects who want to apply for State funds as they become available. This action further established the 30–day ap-

plication filing period and requires that the school district must submit a fund release request within 90 days from receipt of a State apportionment.

Title 2

California Code of Regulations

ADOPT: 1859.90.2 AMEND: 1859.90.2 (renumbered to 1859.90.3), 1859.129, 1859.197

Filed 04/21/2011

Agency Contact: Robert Young (916) 375-5939

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN November 24, 2010 TO
April 27, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

04/27/11 AMEND: 1859.76
04/21/11 REPEAL: 18420.5
04/21/11 AMEND: 18465
04/21/11 ADOPT: 1859.90.2 AMEND: 1859.90.2 (renumbered to 1859.90.3), 1859.129, 1859.197
04/11/11 AMEND: 321
04/06/11 AMEND: 59.3
04/05/11 AMEND: 1859.2, 1859.81, 1859.148.2, 1859.166.2
04/01/11 AMEND: 18734
03/30/11 AMEND: 64.5
03/28/11 AMEND: 599.550
03/09/11 ADOPT: 552
03/08/11 ADOPT: 18451 REPEAL: 18451, 18452, 18453
03/07/11 AMEND: 18404.1
03/07/11 AMEND: 18435, 18450.4
03/03/11 AMEND: 1897
02/23/11 AMEND: 18734, 18751
02/17/11 AMEND: 18116
02/17/11 AMEND: 18239
02/17/11 ADOPT: 18401.1, 18435.5
02/15/11 AMEND: 599.500, 599.501
01/28/11 ADOPT: 559
01/26/11 ADOPT: Headings for Subchapter 1.3, Article 1, Article 2, Article 3, Article 4

AMEND: Heading for Subchapter 1.3 — Article 25

01/25/11 AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.81.1, 1859.104
01/13/11 AMEND: 1859.2, 1859.302, 1866, Form SAB 50-02, 50-03, 50-04, 50-06, 50-07, 50-08, 50-09, 50-10, 61-04, 40-20, 40-21, 40-24
01/12/11 ADOPT: 172.9, 172.10 AMEND: 172.6, 172.7, 172.8, 172.10 (renumbered to 172.11), 172.11 (renumbered to 172.12) REPEAL: 172.9
01/12/11 AMEND: 59.3 Appendix A
01/06/11 ADOPT: 649.17.1, 649.19, 649.20 AMEND: 647.4, 649.14, 649.15, 649.16, 649.17, 649.26, 649.28, 649.31, 649.32, 649.33, 649.48, 649.50, 649.51, 649.57, 649.62
01/06/11 AMEND: 67.3
12/28/10 AMEND: Div. 8, Ch. 114, Sec. 59590
12/21/10 AMEND: 561, 561.1, 561.2, 561.3, 561.4, 561.5, 561.8, 561.9, 561.11 (renumbered to 561.10), 561.12 (renumbered to 561.11), 561.13 (renumbered to 561.12) REPEAL: 561.10, 561.14
12/20/10 AMEND: 18723
12/20/10 ADOPT: 18215.2 AMEND: 18215, 18225, 18450.1, 18450.4, 18450.5
12/16/10 ADOPT: 1859.90.1 AMEND: renumber 1859.90.1 as 1859.90.2 (not shown), 1859.129, 1859.197
11/30/10 AMEND: 67.8 (Appendix A)

Title 3

04/20/11 AMEND: 3434
04/14/11 ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407
04/07/11 AMEND: 6445.5, 6448.1, 6449.1, 6450.1, 6452.2, 6452.3, 6452.4, 6536, 6626
03/18/11 AMEND: 3434(b) and (c)
03/18/11 AMEND: 3434(b)
03/14/11 AMEND: 3408
03/01/11 AMEND: 3558
02/17/11 AMEND: 3437
02/15/11 AMEND: 3430
02/15/11 ADOPT: 820.55 AMEND: 820, 820.3, 820.6, 820.7
02/10/11 AMEND: 3601
02/10/11 AMEND: 3434(b), (c)
02/10/11 AMEND: 3423(b)
01/13/11 AMEND: 3425(b), (c)
01/13/11 AMEND: 3591.20(a)

01/13/11	AMEND: 3591.15(a), (b)	03/07/11	ADOPT: 8078.2 AMEND: 8070, 8072
01/11/11	AMEND: 1430.142	03/03/11	REPEAL: 4002.2(a)
01/11/11	AMEND: 3591.20(a)	02/16/11	AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164
12/30/10	AMEND: 3435(b)		
12/29/10	AMEND: 3434(b) and (c)	01/24/11	ADOPT: 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4200, 4201, 4202, 4203, 4204, 4205
12/20/10	ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624		
12/14/10	AMEND: 3434(b) and (c)	01/06/11	AMEND: 8070, 8072, 8073, 8074
12/14/10	AMEND: 850	01/06/11	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590
12/09/10	AMEND: 6860		
12/06/10	AMEND: 3906		
11/30/10	AMEND: 3406		
11/24/10	ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407		
11/24/10	ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407		
Title 4			
04/18/11	AMEND: 10302, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328		
04/01/11	ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036		
04/01/11	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590		
		12/14/10	AMEND: 10322(h)(5), 10325(c)(3)(B), 10325(c)(8)
		12/07/10	ADOPT: 12347, 12348 AMEND: 12002, 12345
		11/29/10	AMEND: 1374.2
		11/29/10	AMEND: 8070, 8072, 8073, 8074
Title 5			
04/13/11	AMEND: 850, 851, 852, 853, 853.5, 854, 855, 857, 858, 859, 861, 862, 870 (now 862.5), 864, 864.5, 866, 868		
04/12/11	ADOPT: 76020, 76140, 76212, 76240 AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240		
03/28/11	ADOPT: 75010, 75100, 75500 AMEND: 74120, 74130, 74160, 74170		
03/24/11	ADOPT: 30001.5		
03/21/11	ADOPT: 10120 AMEND: 10070, 10071, 10075		
03/15/11	ADOPT: 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807		

03/01/11	ADOPT: 1216.1	12/08/10	AMEND: 1648, 1675, 3276, 3277, 3278, 3287, 3413, 3458.1 REPEAL: 1678, 3279, 3280
02/22/11	ADOPT: 42398		
02/22/11	AMEND: 42375		
01/20/11	ADOPT: 30010, 30011, 30012, 30013, 30014, 30015, 30016, 30017, 30018, 30019, 30034, 30035, 30036, 30037, 30038, 30039, 30040, 30041, 30042, 30043, 30044, 30045, 30046 AMEND: 30000, 30001, 30002, 30005, 30020, 30021, 30022, 30023, 30030, 30032, 30033	Title 9	
01/14/11	ADOPT: 11968.5	12/06/10	ADOPT: 3200.028, 3200.252, 3630.05, 3630.10, 3630.15 AMEND: 3630, 3650
01/10/11	AMEND: 30730, 30731, 30735, 30736	Title 10	
12/23/10	AMEND: 2, 30, 50, 70, 401, 641, 1021, 1023.1, 1025, 1030, 1633, 3082, 3088.1, 3947, 4417, 4421, 4422, 4424, 5504, 5594, 5601, 5710, 10042, 10070, 10090, 11004, 11005, 11010, 11214, 11234, 11250, 11503, 11508, 11523, 11530, 11531, 11537, 11538, 13000, 13009, 13014, 13025, 13039, 13040, 13043, 13052, 14100, 15106, 15158, 15184, 15375, 15376, 15384, 15405, 15531, 15532, 15534, 15535, 15550, 15551, 16000, 18000, 18009, 18013, 18016, 18025, 18031, 18032, 18056, 18057, 18070, 18071, 18072, 18073, 18242, 18300, 18303, 18305, 18306, 18307, 18308, 18460, 18461, 18533	04/25/11	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.4.5, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.122.15, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317
12/22/10	AMEND: 80413.3 REPEAL: 80430.2	04/18/11	AMEND: 2188.65, 2695.180
12/02/10	ADOPT: 4700, 4701, 4702, 4703	04/06/11	AMEND: 2498.4.9
12/01/10	ADOPT: 76020, 76140, 76212, 76240 AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240	04/06/11	AMEND: 2498.4.9
		03/22/11	AMEND: 2498.4.9
Title 7		03/16/11	ADOPT: 2632.13.1 AMEND: 2632.13
03/17/11	ADOPT: 211.5	03/16/11	AMEND: 5500, 5501, 5505, 5506, 5507
03/14/11	AMEND: 217	03/03/11	ADOPT: 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596
02/02/11	AMEND: 215	02/10/11	ADOPT: 2593, 2593.1, 2593.2, 2593.3, 2593.4, 2593.5, 2593.6, 2593.7
Title 8		02/02/11	AMEND: 2699.6500, 2699.6700, 2699.6707, 2699.6721
04/26/11	AMEND: 3209	01/31/11	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741
04/18/11	ADOPT: 9792.5.0, 9792.5.1, 9792.5.2, 9792.5.3 AMEND: 9792.5	01/24/11	AMEND: 2222.12
04/18/11	AMEND: 344.30	12/31/10	ADOPT: 2582, 2582.1, 2582.2, 2582.3
04/13/11	AMEND: 3380	12/30/10	AMEND: 2614, 2614.7, 2614.13
03/28/11	AMEND: 3668(a)	12/29/10	ADOPT: 2188.65, 2695.180, 2695.181, 2695.182, 2695.183 AMEND: 2190.2, 2190.3
03/17/11	AMEND: 7102, 7104, 7160, 7178	12/29/10	AMEND: 2542.4
03/17/11	AMEND: 3207	12/23/10	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.1, 1950.122.4, 1950.122.4.1,
03/07/11	AMEND: 3328		
02/01/11	AMEND: 5291		
01/20/11	AMEND: 344.6, 344.16, 344.18		
12/29/10	AMEND: 1709		
12/09/10	AMEND: 2813		
12/09/10	AMEND: 1742		
12/08/10	AMEND: 344.30		

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04/19/11	AMEND: 1005, 1007, 1008		
04/19/11	AMEND: 1018		
04/13/11	AMEND: 1054		
04/11/11	ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22		
03/30/11	AMEND: 9070, 9072, 9073, 9077		
03/16/11	AMEND: 2037		
01/31/11	ADOPT: 4075 AMEND: 4047, 4049, 4050, 4051, 4052, 4053, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4070, 4071, 4072, 4073, 4074 REPEAL: 4055		
12/30/10	AMEND: 1005, 1060		
12/29/10	AMEND: 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1052, 1053, 1055, 1056, 1071, 1080, 1081, 1083		
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04/01/11	AMEND: 553.70		
03/07/11	AMEND: 2477		
02/24/11	ADOPT: 551.21		
02/24/11	ADOPT: 551.19, 551.20, 551.23, 551.24, 551.25 AMEND: 550, 551.2, 551.11, 551.12		
02/22/11	AMEND: 551.14, 555.1, 584		
02/16/11	AMEND: 594, 595, 597 REPEAL: 593		
02/15/11	AMEND: 567, 583, 591, 593.1, 593.3		
02/15/11	AMEND: 272.00, 272.02		
01/27/11	AMEND: 2621(i), 2623		
01/19/11	AMEND: 1961		
01/18/11	ADOPT: 2711 AMEND: 2701, 2702, 2703, 2704, 2705, 2706, 2707		
01/03/11	AMEND: 1239		
12/23/10	AMEND: 423.00		
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01/20/11	AMEND: Title 13: 2451, 2452, 2453, 2456, 2457, 2458, 2459 and Title 17: 93116.1, 93116.2, 93116.3		
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04/25/11	AMEND: 1670		
04/06/11	ADOPT: 749.6		
		04/01/11	AMEND: 27.80
		03/09/11	ADOPT: 703 AMEND: 671, 671.1, 671.7
		02/24/11	AMEND: 11600
		02/17/11	REPEAL: 19020, 19021, 19022, 19023, 19024, 19025
		02/08/11	AMEND: 817.02
		02/07/11	ADOPT: 1052.5 AMEND: 895, 916.9, 936.9, 956.9, 1052, 1052.1, 1052.2
		01/12/11	AMEND: 632
		01/05/11	AMEND: 4970.00, 4970.01, 4970.05, 4970.08, 4970.09, 4970.13
		01/05/11	AMEND: 4970.00, 4970.01, 4970.05, 4970.08, 4970.09, 4970.13
		12/30/10	ADOPT: 1722.8, 1722.8.1, 1722.9, 1773.1, 1773.2, 1773.3, 1773.4, 1773.5, 1774.1, 1774.2, 1777, 1777.1, 1777.2, 1777.3 AMEND: 1722, 1760, 1770, 1773, 1774 REPEAL: 1724.2
		12/03/10	AMEND: 29.80
		Title 15	
		04/15/11	ADOPT: 3769, 3769.1, 3769.2, 3769.3, 3769.4, 3769.5, 3769.6
		03/28/11	AMEND: 3269
		03/09/11	ADOPT: 3800, 3800.1, 3800.2, 3800.3
		03/03/11	ADOPT: 3520, 3521, 3521.1, 3521.2, 3521.3, 3521.4, 3521.5, 3522, 3523, 3525, 3526, 3527
		02/18/11	AMEND: 4710, 4711, 4712, 4713, 4714
		01/14/11	ADOPT: 4190, 4191 REPEAL: 4192.5, 4193, 4196
		12/13/10	ADOPT: 3084.8, 3084.9, 3086 AMEND: 3000, 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3137, 3173.1, 3179, 3193, 3220.4, 3482, 3630, 3723 REPEAL: 3085
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		04/26/11	AMEND: 1306
		04/25/11	AMEND: 48.3
		04/25/11	AMEND: 600.1, 601.5, 602, 602.1, 603, 605, 607.4, 608.3, 627, 634, 635, 645
		04/15/11	ADOPT: 2007, 2010.05 AMEND: 2085.1
		04/14/11	AMEND: 70
		04/14/11	ADOPT: 2086, 2086.1, 2086.2, 2086.3, 2086.4, 2086.5, 2086.6, 2086.7, 2086.8, 2086.9
		04/12/11	AMEND: 1328
		04/11/11	AMEND: 404, 424, 425, 438 REPEAL: 460
		03/17/11	AMEND: 2260, 2266, 2282, 2282.1
		03/14/11	ADOPT: 4125 AMEND: 4123
		03/09/11	ADOPT: 1007, 1008 AMEND: 1017.2
		03/03/11	AMEND: 375
		03/03/11	AMEND: 117

03/01/11 AMEND: 1399.157, 1399.160.3, 1399.160.6
 02/23/11 AMEND: 400, 401, 404, 463.5, 3000, 3003, 3021, 3065
 02/08/11 AMEND: 1518, 1523, 1531, 1532, 1533, 1561
 02/02/11 ADOPT: 1381.7, 1381.8, 1381.9
 02/01/11 ADOPT: 87.9, 88.2, 90
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 01/27/11 AMEND: 3394.3, 3394.4, 3394.5, 3394.6, 3394.7
 01/11/11 ADOPT: 3394.7 AMEND: 3394.1, 3394.4, 3394.5, 3394.6
 12/21/10 ADOPT: 38, 47, 48.4 AMEND: 48.6
 12/20/10 AMEND: 1520
 12/20/10 ADOPT: 1399.557
 12/20/10 ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6
 12/15/10 ADOPT: 321.1
 12/14/10 AMEND: 1018
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04/21/11 AMEND: 7583
 03/07/11 ADOPT: 100801
 02/17/11 AMEND: 52170, 52172, 52173
 02/02/11 ADOPT: 95350, 95351, 95352, 95353, 95354, 95355, 95356, 95357, 95358, 95359
 01/10/11 ADOPT: 100800
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 12/23/10 AMEND: 94508, 94509

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01/31/11 AMEND: 1506
 01/12/11 AMEND: 1584
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02/18/11 ADOPT: 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 2999.1, 2999.2, 2999.3, 2999.4, 2999.5 AMEND: 2900
 01/12/11 ADOPT: 3.00 AMEND: 1.05, 1.07, 1.08, 1.09, 1.11, 1.12, 1.13, 2.02, 3.00 (renumbered to 3.00.1), 3.01, 3.02, 3.03, 3.04, 3.06, 3.07, 3.08, 3.11, 3.12, 3.13, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.22, 3.23, 3.25, 3.26, 3.28, 3.29, 3.31, 3.32, 4.3, 4.5, 204, 303, 315, 324, 325, 332, 340, 341, 571, 743, 745, 746, 747, 748, 749, 750, 753, 754, 755, 756, 760, 904, 904.7, 1173, 1174, 2060 REPEAL: 752

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03/24/11 ADOPT: 2700, 2701, 2702, 2703, 2704

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01/25/11 AMEND: 6680

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04/25/11 AMEND: 2708(c)-1
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 03/22/11 AMEND: 66250, 66250.1, 66250.2
 02/15/11 ADOPT: 4451 AMEND: 4400, 4401.5, 4405, 4417, 4427, 4429, 4447
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 12/21/10 ADOPT: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7
 12/15/10 AMEND: 100105

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04/04/11 ADOPT: 3990
 03/17/11 ADOPT: 3949.7
 01/19/11 ADOPT: 3775.5, 3776, 3779.5 AMEND: 3720, 3721, 3722, 3723, 3730, 3733, 3740, 3741, 3742, 3750, 3751, 3762, 3763, 3775, 3777, 3778, 3779, 3780, 3781 (Appendices A and C) REPEAL: 3760, 3761, 3764, 3776, 3782
 01/18/11 ADOPT: 5000
 01/03/11 ADOPT: 3919.9
 12/23/10 ADOPT: 3939.37
 12/20/10 ADOPT: 907, 910, 915, 920, 921, 925, 929, 930
 12/17/10 ADOPT: 596, 596.1, 596.2, 596.3, 596.4, 596.5
 12/15/10 AMEND: 3943
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 02/18/11 ADOPT: 1013, 1052, 1119, 1757, 1759, 2013, 2052, 2119, 2757, 2759 AMEND: 1002, 1008, 1018, 1104, 1118, 1180,

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		03/30/11	AMEND: 25805
		03/17/11	AMEND: 25801, 25803
		02/16/11	AMEND: 27001
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		01/26/11	AMEND: 25705
		12/16/10	AMEND: 25805
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02/10/11	ADOPT: 4313 AMEND: 4300, 4302, 4304, 4306, 4308, 4310, 4312, 4314, 4316, 4318, 4320, 4322, 4324	02/15/11	AMEND: 16-015, 16-120, 16-601 REPEAL: 16-315
01/28/11	AMEND: 3070, 4204, 4210, 4212	01/31/11	AMEND: 31-021
		12/22/10	AMEND: 42-302, 42-712, 42-713